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4 ATTORNEYS FOR SAN ALTOS – LEMON GROVE, LLC

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7
8 **CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
9 **SAN DIEGO REGION**
10

11 IN THE MATTER OF:) **DECLARATION OF S. WAYNE**
12 ADMINISTRATIVE CIVIL LIABILITY COMPLAINT) **ROSENBAUM IN SUPPORT OF SAN**
NO. R9-2015-0110) **ALTOS – LEMON GROVE, LLC’S**
13 AGAINST SAN ALTOS – LEMON GROVE, LLC) **RESPONSE TO AMENDED**
14) **TECHNICAL ANALYSIS**
15)
16)

17 I, S. WAYNE ROSENBAUM, hereby declare as follows:

18 1. I am a Partner with the law firm of Opper & Varco, and represent San Altos –
19 Lemon Grove, LLC (“San Altos”) regarding the Administrative Civil Liability Complaint
20 (“ACLC”) No. R9-2015-0110 issued on October 19, 2015.

21 2. Attached as Exhibit A to this declaration is a true and correct copy of an
22 electronic mail sent by Catherine Hagan of the Advisory Team on March 11, 2016 advising the
23 parties that the Chair of the San Diego Water Board directs the Prosecution Team to prepare and
24 submit an amended Technical Analysis. This e-mail directed the Prosecution to submit the
25 amended Technical Analysis by March 18, 2016, and asked San Altos to submit its response
26 three business days later on March 23, 2016. The e-mail also indicates that while the
27 Prosecution had no page limit on its amended Technical Analysis, San Altos’ submission is to be
28 limited by 10 pages.

1 3. Attached as Exhibit B to this declaration is a true and correct copy of an e-mail I
2 sent to Ms. Hagan on March 11 (excluding the attachment) in response to the request for an
3 amended Technical Analysis. This e-mail identifies the disparity in treatment between the
4 parties in that the Prosecution was given six business days to amend its Technical Analysis, with
5 unlimited pages, and San Altos was given three business days to respond, with a 10-page limit.

6 4. Attached as Exhibit C to this declaration is a true and correct copy of an e-mail
7 from Catherin Hagan of the Advisory Team dated March 14, 2016 extending the date for San
8 Altos to respond to March 30, 2016.

9 5. Attached as Exhibit D to this declaration is a true and correct copy of an e-mail I
10 sent to Ms. Hagan on March 14, 2016, asking that the Advisory Team lift the 10-page limit on
11 San Altos' response. We did not receive a response to this request.

12 6. Submitted with San Altos' Response to Amended Technical Analysis is a true and
13 correct copy of the hearing transcript for the San Diego Regional Water Quality Control Board,
14 San Diego Region Public Hearing, Item 12, In the Matter of ACL Hearing: Complaint No. R9-
15 2015-0110, March 9, 2016.

16 7. Attached as Exhibit E to this declaration is a true and correct copy of the three
17 pages from the California Stormwater Quality Association Handbook that provide guidelines on
18 stockpile management. These guidelines state, "After 14 days of inactivity, a stockpile is non-
19 active and requires further protection"

20 8. Attached as Exhibit F to this declaration is a true and correct copy of the 7 pages
21 from the California Stormwater Quality Association Handbook that provide guidelines on
22 concrete waste management. These guidelines do not discuss treatment of stucco that falls on
23 the ground during the application process.

24 9. Attached as Exhibit G to this declaration are true and correct copies of a letter
25 from the Building Industry Association seeking guidance regarding what actions a reasonable
26 and prudent developer should take regarding deployment of Best Management Practices for
27 active stockpiles, a letter from the Building Industry Association dated February 19, 2016,
28 submitting a letter from Marvin Sachse, dated February 18, 2016, to the San Diego Regional

1 Water Quality Control Board. In addition to the BIA's submission of these letters, the last page
2 of Exhibit G is a true and correct copy of my e-mail of February 19, 2016 submitting these
3 documents to Ms. Catherine Hagan.

4 10. Attached as Exhibit H to this declaration is a true and correct copy of data San
5 Diego County Geographic Information Service 85th Percentile Isopluvials Map. This data
6 indicates that the 85th percentile rain event in Lemon Grove is approximately 0.65 inches. As
7 reported in the declaration of Mr. Scott Sandstrom, the project site experienced a rain event of
8 3.13 inches between December 2nd and December 5th 2014. From this data I calculated that this
9 rain event was almost five (5) times greater than the 85th percentile storm event by dividing the
10 amount of rainfall recorded at the project site between December 2nd and December 5th, 2014 by
11 0.65.

12 11. Attached as Exhibit I to this declaration is a true and correct copy of the Final
13 Adopted Stipulated Administrative Civil Liability Order No. R9-2015-0015. This document
14 indicates that the alledged non-discharge violation cited in the Administrative Civil Liability
15 Complaint for this matter relied on inspections performed exclusively by Regional Water Quality
16 Control Board Employees and the project's Qualified SWPPP Practioner.

17 12. Attached as Exhibit J to this declaration is a true and correct copy of the
18 Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-
19 2014-0044 This document indicates that the alledged non-discharge violation cited in the
20 Administrative Civil Liability Complaint for this matter relied on inspections performed
21 exclusively by Regional Water Quality Control Board Employees and the project's Qualified
22 SWPPP Practioner.

23 I declare under penalty of perjury under the laws of the state of California that the
24 foregoing is true and correct.

25 Executed this 30th day of March, 2016 at San Diego, California.

26 
27 S. Wayne Rosenbaum
28 Attorney for San Altos – Valencia Hills, LLC
Opper & Varco, LLP

EXHIBIT A

From: Hagan, Catherine@Waterboards <Catherine.Hagan@waterboards.ca.gov>
Sent: Friday, March 11, 2016 10:01 AM
To: Drabandt, Laura@Waterboards; Wayne Rosenbaum
Cc: 'Josh Rosenbaum'; Linda Beresford; Boyers, David@Waterboards; Gibson, David@Waterboards; Jayne, Deborah@Waterboards; Griffey, Beatrice@Waterboards; Hagan, Catherine@Waterboards
Subject: ACLC No. R9-2015-0110, Requirement for Amended Technical Analysis

Mr. Rosenbaum and Ms. Drabandt:

The Chair of the San Diego Water Board directs the Prosecution Team to prepare and submit an amended Technical Analysis showing in redline references to the specific supplemental evidence within the Prosecution Team's Exhibits 32 through 41 on which it relies to support each of the thirteen types of alleged violations discussed in Section II of the Technical Analysis. References to specific supplemental evidence, if any, should be inserted as applicable to each alleged violation in section II of the Technical Analysis beginning on page 6. For example, if the Prosecution Team relies on specific supplemental evidence for Violation No. 1, references should be inserted in the paragraph after the phrase: "The violations were noted in the following documents:" on page 7. References shall be to specific photographs identified by date and image number or to documents by page number/other locator within specific Exhibits. The Prosecution Team may not otherwise amend the Technical Analysis by adding new evidence (not previously submitted before close of hearing), explanatory text, authentication, argument or any other commentary. The amended Technical Analysis shall be submitted by **5 p.m. on March 18, 2016**.

San Altos-Lemon Grove, LLC may submit a written response to the amended Technical Analysis. Any response shall not exceed ten pages in length and shall be submitted by **5 p.m. on March 23, 2016**.

The documents should be provided by email to Catherine Hagan, with a copy to the other designated party.

Sincerely,

Catherine George Hagan

Senior Staff Counsel

Office of Chief Counsel

State Water Resources Control Board

EXHIBIT B

From: Wayne Rosenbaum
Sent: Friday, March 11, 2016 1:39 PM
To: Hagan, Catherine@Waterboards
Cc: 'Josh Rosenbaum'; Linda Beresford; Boyers, David@Waterboards; Gibson, David@Waterboards; Jayne, Deborah@Waterboards; Griffey, Beatrice@Waterboards; Clemente, Chiara@Waterboards; Melbourn, Frank@Waterboards; Drabandt, Laura@Waterboards
Subject: ACLC No. R9-2015-0110, Requirement for Amended Technical Analysis
Attachments: 020816 Revised Hearing Procedure.pdf

Dear Ms. Hagan,

We are quite surprised and dismayed by this latest directive. First, it is our understanding that once the Board went into closed session, it would have to re-open the hearing before it could take further action to accept evidence. We are surprised that the Board would take this action through this process.

Second, we must again raise our due process concerns. This surprise directive contravenes the revised hearing procedures distributed on behalf of Chairman Abarbanel on February 8, 2016. Moreover, it allows the Prosecution the ability to introduce additional surprise evidence that was either a) not identified in the original technical report, and b) not specifically identified at the hearing. By allowing such evidence, San Altos has clearly been denied of its ability to cross-examine witnesses about such evidence.

We further note the ongoing disparity of the Advisory Team's treatment of the Prosecution Team and the treatment of San Altos. For example, the Prosecution Team has been given six business days to revise its Technical Report. San Altos has been given only three business days to respond (and this deadline requires San Altos to incur the cost of ordering the hearing transcript on an expedited basis at an additional cost). The Prosecution Team has an unlimited number of pages in which it can revise its Technical Report. San Altos' response is limited to 10 pages.

We believe this is another violation of San Altos' due process rights and will continue to raise such objections.

Sincerely,

Wayne

S. Wayne Rosenbaum
Opper & Varco LLP
The Environmental Law Group
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Cell: (619) 518-6618
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EXHIBIT C

From: Hagan, Catherine@Waterboards <Catherine.Hagan@waterboards.ca.gov>
Sent: Monday, March 14, 2016 1:27 PM
To: Drabandt, Laura@Waterboards; Wayne Rosenbaum
Cc: Josh Rosenbaum; Linda Beresford; Boyers, David@Waterboards; Gibson, David@Waterboards; Jayne, Deborah@Waterboards; Griffey, Beatrice@Waterboards
Subject: Re: ACLC No. R9-2015-0110, Requirement for Amended Technical Analysis

To the Parties:

Please note there was a typographical error in me email dated March 12. San Altos may submit its response on or before 5:00 pm on March 30, not 23. Thank you.

Catherine George Hagan

On Mar 11, 2016, at 10:00 AM, Hagan, Catherine@Waterboards <Catherine.Hagan@waterboards.ca.gov> wrote:

Mr. Rosenbaum and Ms. Drabandt:

The Chair of the San Diego Water Board directs the Prosecution Team to prepare and submit an amended Technical Analysis showing in redline references to the specific supplemental evidence within the Prosecution Team's Exhibits 32 through 41 on which it relies to support each of the thirteen types of alleged violations discussed in Section II of the Technical Analysis. References to specific supplemental evidence, if any, should be inserted as applicable to each alleged violation in section II of the Technical Analysis beginning on page 6. For example, if the Prosecution Team relies on specific supplemental evidence for Violation No. 1, references should be inserted in the paragraph after the phrase: "The violations were noted in the following documents:" on page 7. References shall be to specific photographs identified by date and image number or to documents by page number/other locator within specific Exhibits. The Prosecution Team may not otherwise amend the Technical Analysis by adding new evidence (not previously submitted before close of hearing), explanatory text, authentication, argument or any other commentary. The amended Technical Analysis shall be submitted by **5 p.m. on March 18, 2016.**

San Altos-Lemon Grove, LLC may submit a written response to the amended Technical Analysis. Any response shall not exceed ten pages in length and shall be submitted by 5 p.m. on **March 23, 2016.**

The documents should be provided by email to Catherine Hagan, with a copy to the other designated party.

Sincerely,

Catherine George Hagan

Senior Staff Counsel

Office of Chief Counsel

State Water Resources Control Board

2375 Northside Drive, Suite 100

San Diego, CA 92108

Tel. 619-521-3012

Fax 619-516-1994

E-mail: catherine.hagan@waterboards.ca.gov"

EXHIBIT D

From: Wayne Rosenbaum
Sent: Monday, March 14, 2016 2:35 PM
To: Hagan, Catherine@Waterboards; Drabandt, Laura@Waterboards
Cc: Josh Rosenbaum; Linda Beresford; Boyers, David@Waterboards; Gibson, David@Waterboards; Jayne, Deborah@Waterboards; Griffey, Beatrice@Waterboards
Subject: RE: ACLC No. R9-2015-0110, Requirement for Amended Technical Analysis

Dear Ms. Hagan,

Thank you for the correction. We remain puzzled about the ten page limit you have set for San Altos' response the Prosecution Team's complete rewrite of the Technical Analysis. As we pointed out on Friday, the ongoing disparity of the Advisory Team's treatment of the Prosecution Team and the treatment of San Altos remains a clear violation of San Altos' due process rights. The Prosecution Team has an unlimited number of pages in which it can revise its Technical Report. San Altos' response is limited to 10 pages. We request that the Advisory Team lift the arbitrary page limit placed on San Altos in the current order.

Thanks

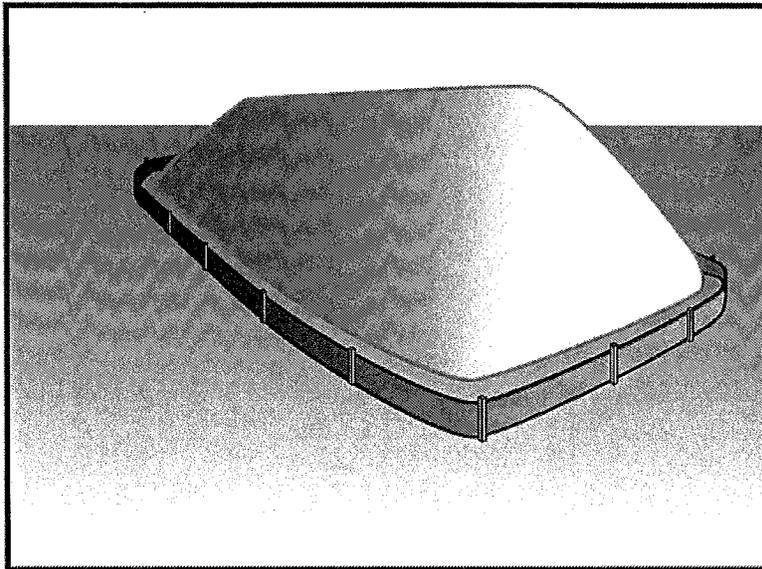
S. Wayne Rosenbaum
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From: Hagan, Catherine@Waterboards [<mailto:Catherine.Hagan@waterboards.ca.gov>]
Sent: Monday, March 14, 2016 1:27 PM
To: Drabandt, Laura@Waterboards <Laura.Drabandt@waterboards.ca.gov>; Wayne Rosenbaum <swr@envirolawyer.com>
Cc: Josh Rosenbaum <jtrosenb@gmail.com>; Linda Beresford <lindab@envirolawyer.com>; Boyers, David@Waterboards <David.Boyers@waterboards.ca.gov>; Gibson, David@Waterboards <David.Gibson@waterboards.ca.gov>; Jayne, Deborah@Waterboards <Deborah.Jayne@waterboards.ca.gov>; Griffey, Beatrice@Waterboards <Beatrice.Griffey@waterboards.ca.gov>
Subject: Re: ACLC No. R9-2015-0110, Requirement for Amended Technical Analysis

To the Parties:

EXHIBIT E



Description and Purpose

Stockpile management procedures and practices are designed to reduce or eliminate air and stormwater pollution from stockpiles of soil, soil amendments, sand, paving materials such as portland cement concrete (PCC) rubble, asphalt concrete (AC), asphalt concrete rubble, aggregate base, aggregate sub base or pre-mixed aggregate, asphalt minder (so called "cold mix" asphalt), and pressure treated wood.

Suitable Applications

Implement in all projects that stockpile soil and other loose materials.

Limitations

- Plastic sheeting as a stockpile protection is temporary and hard to manage in windy conditions. Where plastic is used, consider use of plastic tarps with nylon reinforcement which may be more durable than standard sheeting.
- Plastic sheeting can increase runoff volume due to lack of infiltration and potentially cause perimeter control failure.
- Plastic sheeting breaks down faster in sunlight.
- The use of Plastic materials and photodegradable plastics should be avoided.

Implementation

Protection of stockpiles is a year-round requirement. To properly manage stockpiles:

Categories

EC	Erosion Control	
SE	Sediment Control	<input checked="" type="checkbox"/>
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	<input checked="" type="checkbox"/>
WM	Waste Management and Materials Pollution Control	<input checked="" type="checkbox"/>

Legend:

- Primary Category
- Secondary Category

Targeted Constituents

Sediment	<input checked="" type="checkbox"/>
Nutrients	<input checked="" type="checkbox"/>
Trash	<input checked="" type="checkbox"/>
Metals	<input checked="" type="checkbox"/>
Bacteria	
Oil and Grease	<input checked="" type="checkbox"/>
Organics	<input checked="" type="checkbox"/>

Potential Alternatives

None

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- On larger sites, a minimum of 50 ft separation from concentrated flows of stormwater, drainage courses, and inlets is recommended.
- After 14 days of inactivity, a stockpile is non-active and requires further protection described below. All stockpiles are required to be protected as non-active stockpiles immediately if they are not scheduled to be used within 14 days.
- Protect all stockpiles from stormwater runoff using temporary perimeter sediment barriers such as compost berms (SE-13), temporary silt dikes (SE-12), fiber rolls (SE-5), silt fences (SE-1), sandbags (SE-8), gravel bags (SE-6), or biofilter bags (SE-14). Refer to the individual fact sheet for each of these controls for installation information.
- Implement wind erosion control practices as appropriate on all stockpiled material. For specific information, see WE-1, Wind Erosion Control.
- Manage stockpiles of contaminated soil in accordance with WM-7, Contaminated Soil Management.
- Place bagged materials on pallets and under cover.
- Ensure that stockpile coverings are installed securely to protect from wind and rain.
- Some plastic covers withstand weather and sunlight better than others. Select cover materials or methods based on anticipated duration of use.

Protection of Non-Active Stockpiles

A stockpile is considered non-active if it either is not used for 14 days or if it is scheduled not to be used for 14 days or more. Stockpiles need to be protected immediately if they are not scheduled to be used within 14 days. Non-active stockpiles of the identified materials should be protected as follows:

Soil stockpiles

- Soil stockpiles should be covered or protected with soil stabilization measures and a temporary perimeter sediment barrier at all times.
- Temporary vegetation should be considered for topsoil piles that will be stockpiled for extended periods.

Stockpiles of Portland cement concrete rubble, asphalt concrete, asphalt concrete rubble, aggregate base, or aggregate sub base

- Stockpiles should be covered and protected with a temporary perimeter sediment barrier at all times.

Stockpiles of "cold mix"

- Cold mix stockpiles should be placed on and covered with plastic sheeting or comparable material at all times and surrounded by a berm.

Stockpiles of fly ash, stucco, hydrated lime

- Stockpiles of materials that may raise the pH of runoff (i.e., basic materials) should be covered with plastic and surrounded by a berm.

Stockpiles/Storage of wood (Pressure treated with chromated copper arsenate or ammoniacal copper zinc arsenate)

- Treated wood should be covered with plastic sheeting or comparable material at all times and surrounded by a berm.

Protection of Active Stockpiles

A stockpile is active when it is being used or is scheduled to be used within 14 days of the previous use. Active stockpiles of the identified materials should be protected as follows:

- All stockpiles should be covered and protected with a temporary linear sediment barrier prior to the onset of precipitation.
- Stockpiles of “cold mix” and treated wood, and basic materials should be placed on and covered with plastic sheeting or comparable material and surrounded by a berm prior to the onset of precipitation.
- The downstream perimeter of an active stockpile should be protected with a linear sediment barrier or berm and runoff should be diverted around or away from the stockpile on the upstream perimeter.

Costs

For cost information associated with stockpile protection refer to the individual erosion or sediment control BMP fact sheet considered for implementation (For example, refer to SE-1 Silt Fence for installation of silt fence around the perimeter of a stockpile.)

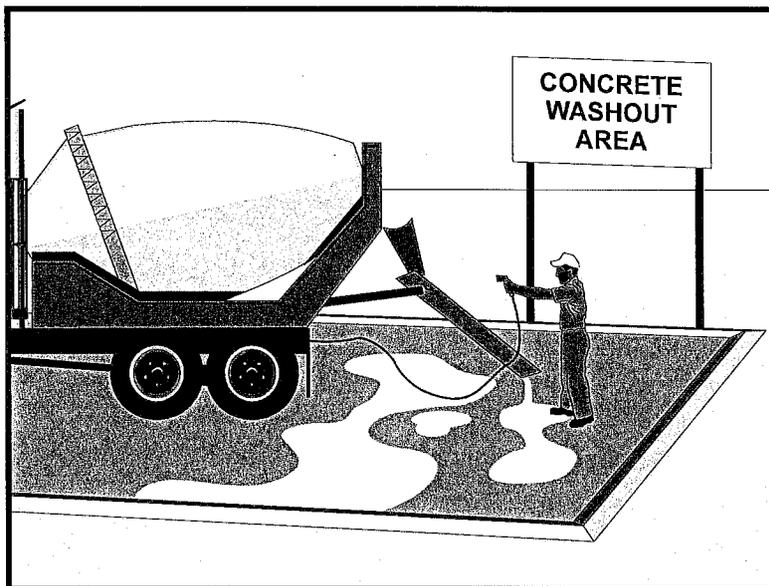
Inspection and Maintenance

- Stockpiles must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- It may be necessary to inspect stockpiles covered with plastic sheeting more frequently during certain conditions (for example, high winds or extreme heat).
- Repair and/or replace perimeter controls and covers as needed to keep them functioning properly.
- Sediment shall be removed when it reaches one-third of the barrier height.

References

Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), March 2003.

EXHIBIT F



Description and Purpose

Prevent the discharge of pollutants to stormwater from concrete waste by conducting washout onsite or offsite in a designated area, and by employee and subcontractor training.

The General Permit incorporates Numeric Action Levels (NAL) for pH (see Section 2 of this handbook to determine your project's risk level and if you are subject to these requirements).

Many types of construction materials, including mortar, concrete, stucco, cement and block and their associated wastes have basic chemical properties that can raise pH levels outside of the permitted range. Additional care should be taken when managing these materials to prevent them from coming into contact with stormwater flows and raising pH to levels outside the accepted range.

Suitable Applications

Concrete waste management procedures and practices are implemented on construction projects where:

- Concrete is used as a construction material or where concrete dust and debris result from demolition activities.
- Slurries containing portland cement concrete (PCC) are generated, such as from saw cutting, coring, grinding, grooving, and hydro-concrete demolition.
- Concrete trucks and other concrete-coated equipment are washed onsite.

Categories

EC	Erosion Control	
SE	Sediment Control	
TC	Tracking Control	
WE	Wind Erosion Control	
NS	Non-Stormwater Management Control	<input checked="" type="checkbox"/>
WM	Waste Management and Materials Pollution Control	<input checked="" type="checkbox"/>

Legend:

- Primary Category
- Secondary Category

Targeted Constituents

Sediment	<input checked="" type="checkbox"/>
Nutrients	
Trash	
Metals	<input checked="" type="checkbox"/>
Bacteria	
Oil and Grease	
Organics	

Potential Alternatives

None

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- Mortar-mixing stations exist.
- Stucco mixing and spraying.
- See also NS-8, Vehicle and Equipment Cleaning.

Limitations

- Offsite washout of concrete wastes may not always be possible.
- Multiple washouts may be needed to assure adequate capacity and to allow for evaporation.

Implementation

The following steps will help reduce stormwater pollution from concrete wastes:

- Incorporate requirements for concrete waste management into material supplier and subcontractor agreements.
- Store dry and wet materials under cover, away from drainage areas. Refer to WM-1, Material Delivery and Storage for more information.
- Avoid mixing excess amounts of concrete.
- Perform washout of concrete trucks in designated areas only, where washout will not reach stormwater.
- Do not wash out concrete trucks into storm drains, open ditches, streets, streams or onto the ground. Trucks should always be washed out into designated facilities.
- Do not allow excess concrete to be dumped onsite, except in designated areas.
- For onsite washout:
 - On larger sites, it is recommended to locate washout areas at least 50 feet from storm drains, open ditches, or water bodies. Do not allow runoff from this area by constructing a temporary pit or bermed area large enough for liquid and solid waste.
 - Washout wastes into the temporary washout where the concrete can set, be broken up, and then disposed properly.
 - Washouts shall be implemented in a manner that prevents leaching to underlying soils. Washout containers must be water tight and washouts on or in the ground must be lined with a suitable impervious liner, typically a plastic type material.
- Do not wash sweepings from exposed aggregate concrete into the street or storm drain. Collect and return sweepings to aggregate base stockpile or dispose in the trash.
- See typical concrete washout installation details at the end of this fact sheet.

Education

- Educate employees, subcontractors, and suppliers on the concrete waste management techniques described herein.

- Arrange for contractor's superintendent or representative to oversee and enforce concrete waste management procedures.
- Discuss the concrete management techniques described in this BMP (such as handling of concrete waste and washout) with the ready-mix concrete supplier before any deliveries are made.

Concrete Demolition Wastes

- Stockpile concrete demolition waste in accordance with BMP WM-3, Stockpile Management.
- Dispose of or recycle hardened concrete waste in accordance with applicable federal, state or local regulations.

Concrete Slurry Wastes

- PCC and AC waste should not be allowed to enter storm drains or watercourses.
- PCC and AC waste should be collected and disposed of or placed in a temporary concrete washout facility (as described in Onsite Temporary Concrete Washout Facility, Concrete Transit Truck Washout Procedures, below).
- A foreman or construction supervisor should monitor onsite concrete working tasks, such as saw cutting, coring, grinding and grooving to ensure proper methods are implemented.
- Saw-cut concrete slurry should not be allowed to enter storm drains or watercourses. Residue from grinding operations should be picked up by means of a vacuum attachment to the grinding machine or by sweeping. Saw cutting residue should not be allowed to flow across the pavement and should not be left on the surface of the pavement. See also NS-3, Paving and Grinding Operations; and WM-10, Liquid Waste Management.
- Concrete slurry residue should be disposed in a temporary washout facility (as described in Onsite Temporary Concrete Washout Facility, Concrete Transit Truck Washout Procedures, below) and allowed to dry. Dispose of dry slurry residue in accordance with WM-5, Solid Waste Management.

Onsite Temporary Concrete Washout Facility, Transit Truck Washout Procedures

- Temporary concrete washout facilities should be located a minimum of 50 ft from storm drain inlets, open drainage facilities, and watercourses. Each facility should be located away from construction traffic or access areas to prevent disturbance or tracking.
- A sign should be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.
- Temporary concrete washout facilities should be constructed above grade or below grade at the option of the contractor. Temporary concrete washout facilities should be constructed and maintained in sufficient quantity and size to contain all liquid and concrete waste generated by washout operations.

- Temporary washout facilities should have a temporary pit or bermed areas of sufficient volume to completely contain all liquid and waste concrete materials generated during washout procedures.
- Temporary washout facilities should be lined to prevent discharge to the underlying ground or surrounding area.
- Washout of concrete trucks should be performed in designated areas only.
- Only concrete from mixer truck chutes should be washed into concrete wash out.
- Concrete washout from concrete pumper bins can be washed into concrete pumper trucks and discharged into designated washout area or properly disposed of or recycled offsite.
- Once concrete wastes are washed into the designated area and allowed to harden, the concrete should be broken up, removed, and disposed of per WM-5, Solid Waste Management. Dispose of or recycle hardened concrete on a regular basis.
- Temporary Concrete Washout Facility (Type Above Grade)
 - Temporary concrete washout facility (type above grade) should be constructed as shown on the details at the end of this BMP, with a recommended minimum length and minimum width of 10 ft; however, smaller sites or jobs may only need a smaller washout facility. With any washout, always maintain a sufficient quantity and volume to contain all liquid and concrete waste generated by washout operations.
 - Materials used to construct the washout area should conform to the provisions detailed in their respective BMPs (e.g., SE-8 Sandbag Barrier).
 - Plastic lining material should be a minimum of 10 mil in polyethylene sheeting and should be free of holes, tears, or other defects that compromise the impermeability of the material.
 - Alternatively, portable removable containers can be used as above grade concrete washouts. Also called a “roll-off”; this concrete washout facility should be properly sealed to prevent leakage, and should be removed from the site and replaced when the container reaches 75% capacity.
- Temporary Concrete Washout Facility (Type Below Grade)
 - Temporary concrete washout facilities (type below grade) should be constructed as shown on the details at the end of this BMP, with a recommended minimum length and minimum width of 10 ft. The quantity and volume should be sufficient to contain all liquid and concrete waste generated by washout operations.
 - Lath and flagging should be commercial type.
 - Plastic lining material should be a minimum of 10 mil polyethylene sheeting and should be free of holes, tears, or other defects that compromise the impermeability of the material.

- The base of a washout facility should be free of rock or debris that may damage a plastic liner.

Removal of Temporary Concrete Washout Facilities

- When temporary concrete washout facilities are no longer required for the work, the hardened concrete should be removed and properly disposed or recycled in accordance with federal, state or local regulations. Materials used to construct temporary concrete washout facilities should be removed from the site of the work and properly disposed or recycled in accordance with federal, state or local regulations..
- Holes, depressions or other ground disturbance caused by the removal of the temporary concrete washout facilities should be backfilled and repaired.

Costs

All of the above are low cost measures. Roll-off concrete washout facilities can be more costly than other measures due to removal and replacement; however, provide a cleaner alternative to traditional washouts. The type of washout facility, size, and availability of materials will determine the cost of the washout.

Inspection and Maintenance

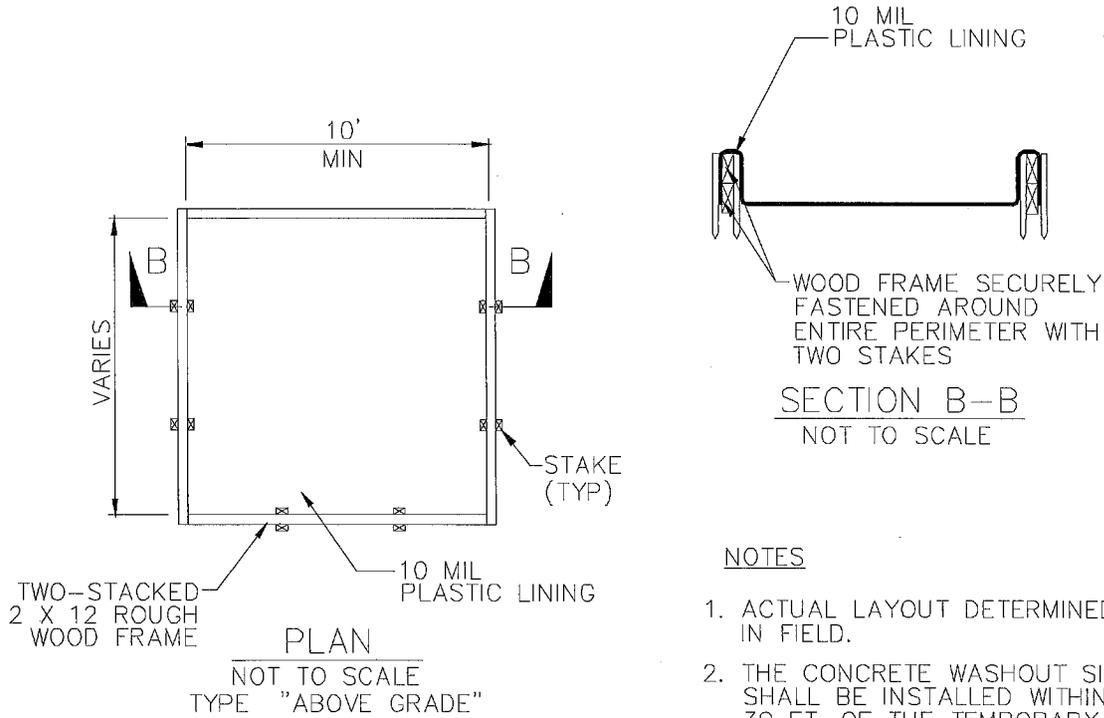
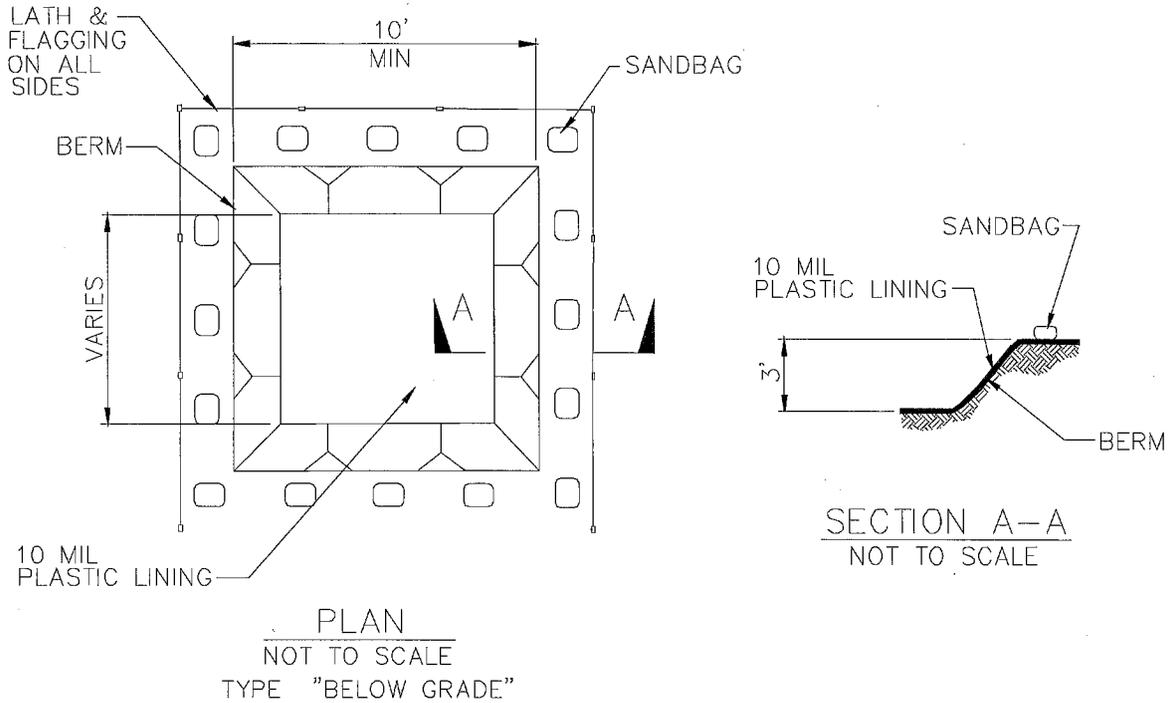
- BMPs must be inspected in accordance with General Permit requirements for the associated project type and risk level. It is recommended that at a minimum, BMPs be inspected weekly, prior to forecasted rain events, daily during extended rain events, and after the conclusion of rain events.
- Temporary concrete washout facilities should be maintained to provide adequate holding capacity with a minimum freeboard of 4 in. for above grade facilities and 12 in. for below grade facilities. Maintaining temporary concrete washout facilities should include removing and disposing of hardened concrete and returning the facilities to a functional condition. Hardened concrete materials should be removed and properly disposed or recycled in accordance with federal, state or local regulations.
- Washout facilities must be cleaned, or new facilities must be constructed and ready for use once the washout is 75% full.
- Inspect washout facilities for damage (e.g. torn liner, evidence of leaks, signage, etc.). Repair all identified damage.

References

Blueprint for a Clean Bay: Best Management Practices to Prevent Stormwater Pollution from Construction Related Activities; Santa Clara Valley Nonpoint Source Pollution Control Program, 1995.

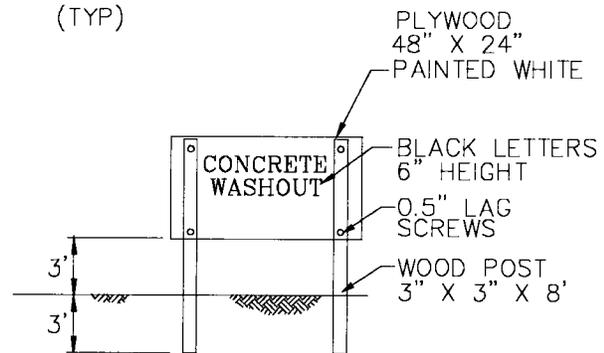
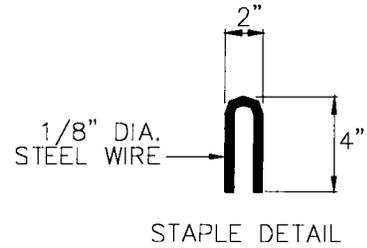
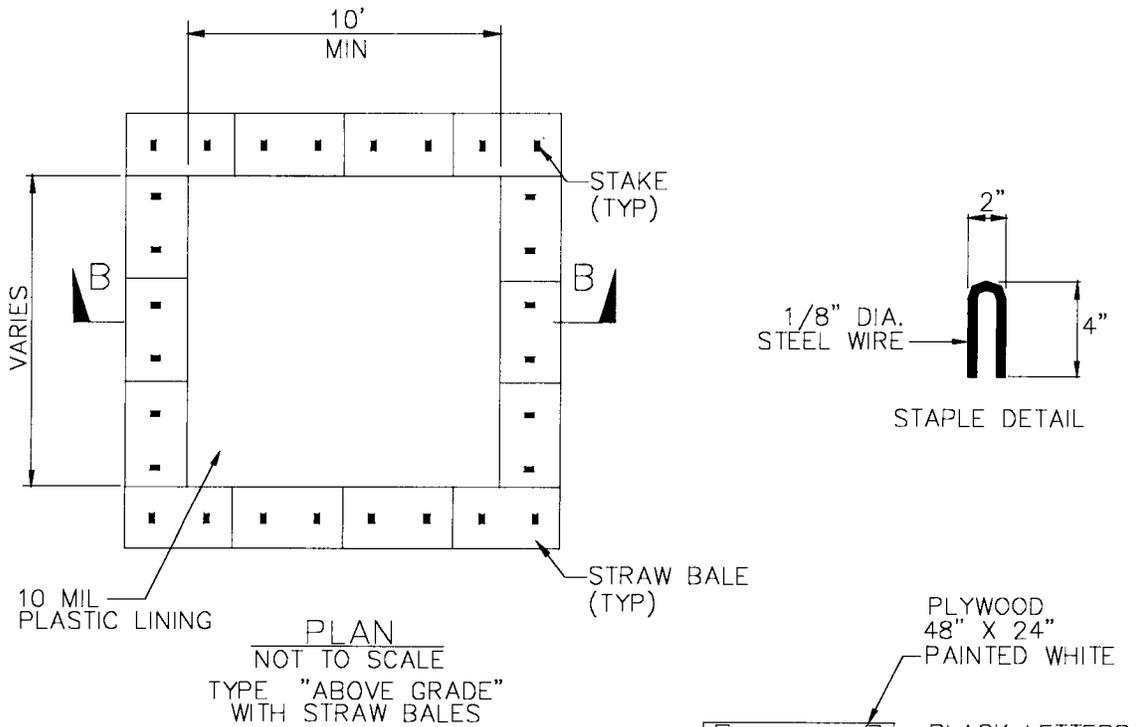
Stormwater Quality Handbooks - Construction Site Best Management Practices (BMPs) Manual, State of California Department of Transportation (Caltrans), November 2000, Updated March 2003.

Stormwater Management for Construction Activities; Developing Pollution Prevention Plans and Best Management Practice, EPA 832-R-92005; USEPA, April 1992.

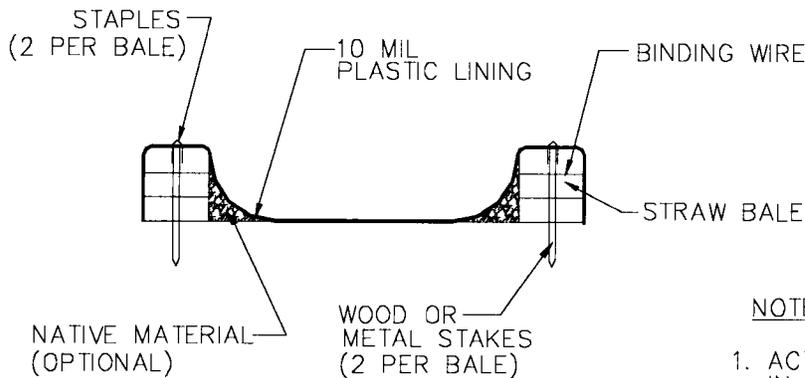


NOTES

1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.



CONCRETE WASHOUT SIGN DETAIL (OR EQUIVALENT)



SECTION B-B
NOT TO SCALE

NOTES

1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.

EXHIBIT G



Sent Via E-Mail CatherinHagan@waterboards.ca.gov and US. Mail

Catherine Hagan, Esq.
Senior Staff Counsel
San Diego Regional Water Quality Control Board 2375 North Side Drive, Suite 100
San Diego, California 92108

CHAIRMAN

David Stearn
Lennar Homes

VICE CHAIRMAN

Mike Mzhoney
ConAm

TREASURER / SECRETARY

Rita Brandin
Newland Real Estate Group

PAST CHAIRMAN

David Poole
Brookfield Residential

PRESIDENT & C.E.O.

Borre Winkel

AFFILIATES

California Building
Industry Association

National Association
of Home Builders

RE: San Altos-Lemon Grove, LLC ACL Complaint No. R9-2015-0110 Non-Evidentiary Policy Statements

Dear Ms. Hagan

Attached hereto please find San Diego BIA's inquiry to Brash Industries regarding interpretation of the General Construction Stormwater Permit and Mr. Sachse's response. BIA hereby submits these letters as non-evidentiary policy statement.

Sincerely Yours

Borre Winkel

CEO & President



Via E-Mail Marvin@brashind.com

Mr. Marvin Sachse

4635 Admiralty Way

Marina del Rey, Ca 90292

RE: Guidance Regarding Provisions of the General Construction Storm Water Permit Order No. 2009-0009-DWQ ("Permit")

Dear Mr. Sachse

The Building Industry of San Diego's membership includes 100 developers currently engaged in developing projects in San Diego County. Recently, some of our members have received varying guidance regarding two provisions of the General Construction Storm Water Permit Order No. 2009-0009-DWQ ("Permit"). We are not seeking a legal interpretation of these provisions. However, given your long experience in working with the industry and the regulatory agencies, we are seeking your opinion regarding prevailing industry practices from an implementation perspective. That is, given your expertise and experience what you believe a reasonable and prudent developer should do in addressing these two provisions. The two provisions we would like you to address regard the proper management of active stock piles and active construction roads.

Attachments C, D, E of the Permit provide that permittees should:

1. "Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.);"
2. "Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used"; and
3. "Contain stockpiled materials such as mulches and topsoil when they are not actively being used".

In your opinion, what actions should a reasonable and prudent developer regarding the deployment of Best Management Practices for active stockpiles under the following scenarios?

1. The stockpile has been created or disturbed during the prior 14 days and there is less than a 50% chance of rain predicted in the next 48 hours.

Building Industry Association of San Diego County

9201 Spectrum Center Blvd., Suite 110, San Diego, CA 92123-1407

P 858-450-1221 F 858-552-1445 www.biasandiego.org

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Lennar Homes

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Newland Real Estate Group

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David Poole
Brookfield Residential

PRESIDENT & C.E.O.

Borre Wincke:

AFFILIATES

California Building
Industry Association

National Association
of Home Builders

2. The stockpile is scheduled to be used or disturbed within 14 days of its creation and there is less than a 50% chance of rain predicted in the next 48 hours.

The permit does not appear to speak directly to active haul roads or access roads within the construction site that are being used to access other construction activities. For example where the developer has graded a road that has not yet been paved but is being used by vehicles to access various construction activities on the site or is scheduled to be used for that purpose within the next fourteen days and there is less than a 50% chance of rain predicted in the next 48 hours. In your opinion what steps should a reasonable and prudent developer take regarding the deployment of Best Management Practices for active construction roads?

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Borre Winkel", enclosed within a hand-drawn oval shape.

Borre Winkel

CEO & President



February 18, 2016

Via E-Mail: Borre@biasandiego.org

Mr. Borre Winckel
President and CEO
Building Industry Association of San Diego County
9201 Spectrum Center Blvd, Suite 110
San Diego, CA 92123

Dear Mr. Winkel,

As an associate member of the San Diego BIA, Brash Industries (BI) is occasionally sought to render a professional opinion on regulatory matters. In some cases, the more challenging ones in particular, regulations either lack precision, or specificity to clearly define the anticipated role of the regulated party. In matters in which this occurs, a qualified individual frequently interprets regulation on the basis of Best Professional Judgment or BPJ. A qualified individual would most likely be someone not only knowledgeable about the Permit and field practices but also understands the reasoning associated with the integration of these two elements. Examples of a qualified individual would include a P.E. familiar with storm water issues, a Construction General Permit Trainer of Record (CGP ToR), or a Qualified SWPPP Developer (QSD). BPJ is traditionally a composite of many elements, with conclusions that are extrapolated from varying and differing experiences that have previously been applied to a unique set of circumstances. The subject in which you are seeking clarification deals with the application of the Storm Water Permit (2009-0009 DWQ), to areas possibly requiring stabilization while under construction, inclusive of roads and stock piles.

If rain is anticipated, the permit is clear. Stock piles and graded areas require stabilization. When rain is not anticipated, or operating under not storm conditions, the permit requires exposed soil surfaces, which includes stock piles and roads, that are not being actively disturbed during any 14 day period, to be stabilized. From this perspective it can be concluded that land disturbances, when properly managed, are in compliance with the permit. Where the permit lacks precision, is in the definition of an active stock pile/waste pile (height, width, proximity to a discharge point, etc.) nor does it address in specific terms what BMPs are to be applied to access roads which are also graded areas with exposed soil. To add to compliance confusion the Supreme Court has held that storm water discharges from immediate access roads for use in logging operations are not considered to be regulated by an NPDES permit.

In evaluating the compliance of a site to the Permit a large number of variables are to be considered including the Permit, Risk Level, SWPPP guidance, and the quality of the Storm Water being discharged. Also the type of soil, proximity to a water body, water body restrictions, the water shed in which the site is located, wind characteristics, municipal inspector requirements, phase of construction , soil type, etc.

In addition to these considerations it frequently occurs that compliance guidance is provide by municipal inspectors. Some municipal inspectors as well as regional water board inspectors provide guidance or suggestions on how to best manage a construction site. And more often than not there are differing perspectives proffered by the different inspectors and different agency representatives.

The purpose of relating the foregoing situations are to note that these actions often lead to construction site superintendents becoming confused as to the most effective method of Permit compliance. This confusion tends to have the site superintendent contact a storm water professional. The professional consultant then resolves the unclear area of the Permit's application by utilizing BPJ.

Mr. Winkel, I apologize for not being able to provide you with a single specific answer to your query regarding the specific BMPs utilized for areas under construction with exposed soil as, in

many cases, the appropriate compliance strategy could well be based upon the vague and somewhat subjective term of BPJ.

Sincerely,

A handwritten signature in black ink, appearing to read "M. H. Sachse". The signature is written in a cursive style with a large initial "M".

Marvin H Sachse

CC: Mike McSweeney: MMcSweeney@biasandiego.org
S. Wayne Rosenbaum, Esq.: SWR@Envirolawyer.com

Janene Kallen

From: Wayne Rosenbaum
Sent: Friday, February 19, 2016 10:29 AM
To: Hagan, Catherine@Waterboards
Cc: Drabandt, Laura@Waterboards; Boyers, David@Waterboards; 'Josh Rosenbaum'; Linda Beresford
Subject: Policy Statements
Attachments: 2016-02-19 Brash Industries Response to BIA Inquiry.docx; 2016-02-19 BIA Policy Statement Cover Letter.pdf; 2016-02-19 BIA Policy Statement Inquiry.pdf

Dear Ms. Hagan

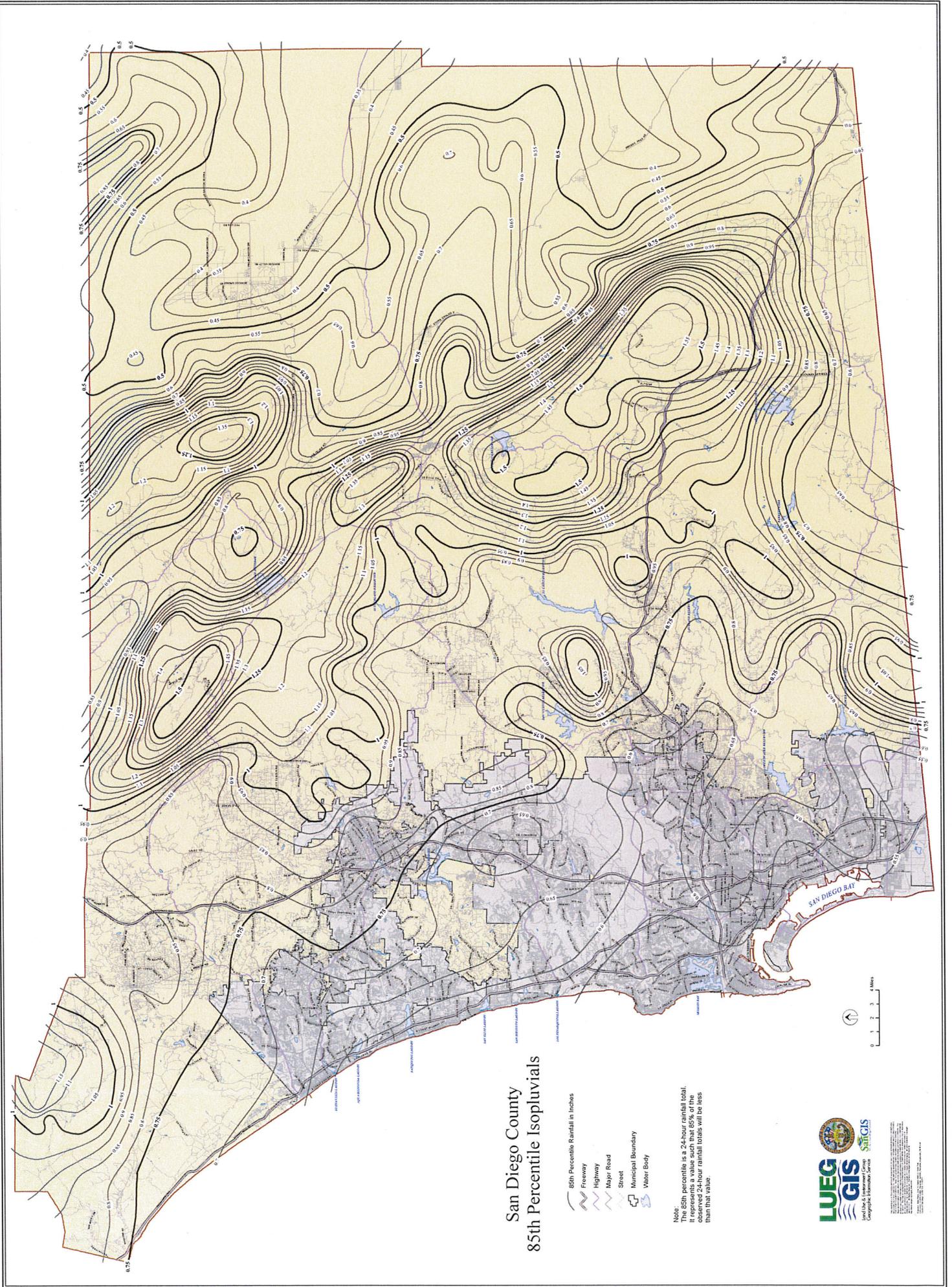
Attached hereto please find policy statement correspondence from Brash Industries to the San Diego Building Industry Association regarding the San Altos ACLC. Please confirm that these documents will be incorporated into the administrative record and made available to Regional Water Board Members.

Thank you

S. Wayne Rosenbaum
Opper & Varco LLP
The Environmental Law Group
225 Broadway, Suite 1900
San Diego, CA 92101
Phone: (619) 231-5858
Cell: (619) 518-6618
Fax: (619) 231-5853
SWR@Envirolawyer.com
www.envirolawyer.com

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EXHIBIT H



San Diego County 85th Percentile Isopluvials

- 85th Percentile Rainfall in Inches
- Freeway
- Highway
- Major Road
- Street
- Municipal Boundary
- Water Body

Note:
The 85th percentile is a 24-hour rainfall total. It represents a value such that 85% of the observed 24-hour rainfall totals will be less than that value.



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EXHIBIT I

San Diego Regional Water Quality Control Board

July 8, 2015

Certified Mail – Return Receipt Requested

Article Number: 7011 0470 0002 8952 5249

Mr. Stephen L. Marsh, Esq.
Dentons US LLP
Suite 2600
600 West Broadway
San Diego, California 92101
stephen.marsh@dentons.com

In reply refer to: SM-828254:FMelbourn

**Final Adopted Stipulated Administrative Civil Liability Order No. R9-2015-0015
Jacobs Center for Neighborhood Innovation
Northwest Village Creek Construction Project, WDID No. 9 37C269293**

Mr. Marsh:

Attached find Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2015-0015 (Order), Jacobs Center for Neighborhood Innovation, Northwest Village Creek Construction Project, San Diego County, without attachment. I will include the attachment in the email transmittal. The Order was adopted on July 7, 2015, by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) by way of Executive Officer approval pursuant to San Diego Water Board Resolution No R9-2014-0046.

As required by the Order, payment of \$46,718 is payable to the California State Water Resources Control Board's Cleanup and Abatement Account. Payment must be submitted to the following address within thirty (30) days of adoption:

State Water Resources Control Board
Accounting Office
Attn: ACL Payment
PO Box 1888
Sacramento, CA 95812-1888

Additionally, upon payment please email me a Portable Document Format (PDF) file copy of the check to both of the email addresses below.

Mr. Stephen L. Marsh, Esq. - 2 -
Jacobs Center for Neighborhood Innovation
Northwest Village Creek Construction Project
Final Adopted Stipulated Administrative Civil Liability Order No. R9-2015-0015

July 8, 2015

In the subject line of any response, please include the reference number SM-828254:FMelbourn. Written responses shall be sent via email to SanDiego@waterboards.ca.gov. For questions or comments, please contact me by telephone at (619) 521-3372, or by email at fmelbourn@waterboards.ca.gov.

Respectfully,



FRANK T. MELBOURN
Water Resource Control Engineer
Compliance Assurance Unit

FTM:cmc:ftm

Enclosure: Final Adopted Stipulated ACL Order No. R9-2015-0015

cc with enclosure and attachment:

1. David Boyers, State Water Board, dboyers@waterboards.ca.gov
2. Wayne Chiu, San Diego Water Board, wchiu@waterboards.ca.gov
3. Chiara Clemente, San Diego Water Board, cclemente@waterboards.ca.gov
4. Kailyn Ellison, State Water Board, kellison@waterboards.ca.gov
5. Jeremy Haas, San Diego Water Board, jhaas@waterboards.ca.gov
6. Stephen Maduli-Williams, Jacobs Center for Neighborhood Innovation, swilliams@jacobscenter.org
7. Kelly Moden, Jacobs Center for Neighborhood Innovation, kmoden@jacobscenter.org
8. James Smith, San Diego Water Board, jsmith@waterboards.ca.gov
9. Laurie Walsh, San Diego Water Board, walsh@waterboards.ca.gov

Tech Staff Info & Use	
Order No.	R9-2015-0015
WDID No.	9 37C369293
Enforcement ID	418163
Place ID	SM-828254
Violation ID	855292
Violation ID	855293
Violation ID	855294
Violation ID	855295

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2015-0015
IN THE MATTER OF
JACOBS CENTER FOR NEIGHBORHOOD INNOVATION

NORTHWEST VILLAGE CREEK CONSTRUCTION PROJECT
SAN DIEGO COUNTY**

INTRODUCTION

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order (Stipulated Order) is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board), on behalf of the San Diego Water Board Prosecution Team (Prosecution Team), and Jacobs Center for Neighborhood Innovation (Discharger) (collectively Parties) and is presented to the San Diego Water Board, for adoption as an order, by settlement, pursuant to Government Code section 11415.60.

RECITALS

1. The Discharger is constructing the Northwest Village Creek Construction Project (Project). The Project entails demolition of an asphalt parking lot and structure, and grading for a retail pharmacy and access road. The Project is located at 602 Euclid Avenue, San Diego, California (Site), in the San Diego community of Chollas View.
2. Discharger is the project developer. Stephen Maduli-Williams, Discharger Vice President is the Legally Responsible Person (LRP) for the Discharger for the Project.
3. On March 26, 2014, Discharger filed a Notice of Intent (NOI) to comply with California State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction Storm Water Permit) and was assigned Waste Discharge Identification (WDID) No. 9 37C369293 to the Project.
4. Construction Storm Water Permit section V.A.2. requires the implementation of best management practices (BMPs), using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollution from storm water runoff from construction sites.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

5. Construction Storm Water Permit section VIII requires dischargers to calculate the site's Risk Level based upon "the site's sediment risk and receiving water risk during periods of soil exposure (i.e. grading and site stabilization)." The Site's Storm Water Pollution Prevention Plan (SWPPP) characterizes the Project as being Risk Level 1.
6. The 3.7 acre Site lies within the Chollas Hydrologic Subarea (HSA) (908.22) of the Pueblo San Diego Hydrologic Unit. Storm water discharges from the Site drain directly into Chollas Creek and indirectly into Chollas Creek via the City of San Diego's storm water conveyance system.
7. The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses for Chollas Creek:
 - a. Contact Water Recreation (REC-1);
 - b. Non-contact Water Recreation (REC-2);
 - c. Warm Freshwater Habitat (WARM); and
 - d. Wildlife Habitat (WILD).
8. On December 4, 2014, Wayne Chiu of the San Diego Water Board's Storm Water Management Unit inspected the Site. Based upon the results of the inspection, the San Diego Water Board issued Notice of Violation No. R9-2014-0145 on December 10, 2014, to the Discharger.
9. The San Diego Water Board invested 110.5 staff hours to investigate, prepare enforcement documents, and consider this action for a total cost of \$7,879. See Technical Analysis Exhibit No. 8.
10. Discharger is alleged to have violated provisions of law for which the San Diego Water Board may impose civil liability pursuant to section 13385 of the California Water Code (Water Code).

The Prosecution Team alleges the following violations, set forth in full in the attached Technical Analysis, by the Discharger:

11. Violation No. 1: Discharge of Sediment Laden Storm Water: (1 day)
Discharger discharged sediment laden storm water from the Site into Chollas Creek on December 4, 2014, in violation of Construction Storm Water Permit sections III.A., III.B., V.A.1., and V.A.2. The Discharger ceased the discharge upon the San Diego Water Board's discovery and direction. Discharger's action resulted in one (1) day of violation.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

12. Violation No. 2: Failure to Implement Erosion Controls: (1 day)
During the December 4, 2014, San Diego Water Board inspection several areas of the Site appeared to be inactive and without effective soil cover for erosion control in violation of Construction Storm Water Permit, Attachment C, section D.2. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.
13. Violation No. 3: Failure to Implement Sediment Controls: (1 day)
The December 4, 2014, San Diego Water Board inspection noted the discharge of a significant amount of sediment onto Market Street and the sidewalk as a result of inadequate sediment control BMPs along the Site perimeter and the two Market Street entrances in violation of Construction Storm Water Permit, Attachment C, section E.1. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.
14. Violation No. 4: Failure to Implement Run-on and Runoff Controls: (1 day)
The December 4, 2014, San Diego Water Board inspection documented where Site perimeter sediment controls were not established or maintained, resulting in run-on from the Church's Chicken property onto the Site in violation of Construction Storm Water Permit, Attachment C, section F. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.
15. Violation No. 5: Failure to Cover Stockpiles: (1 day)
The December 4, 2014, San Diego Water Board inspection documented that the large soil stockpile failed to have adequate cover in violation of Construction Storm Water Permit, Attachment C, section B.1.b. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.
16. Violation No. 6: Failure to Implement Entrance Tracking BMPs: (1 day)
The December 4, 2014, San Diego Water Board inspection documented significant sediment tracking at the Market Street site entrance (east, near Church's Chicken), indicating inadequate sediment control BMPs and sweeping of the entrance in violation of Construction Storm Water Permit, Attachment C, section B.1.e. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

17. Violation No. 7: Failure to Implement Vehicle Fluid Leaks BMPs: (1 day)
The December 4, 2014, San Diego Water Board inspection confirmed that the vehicles did not use drip pans to catch vehicle fluid leaks in violation of Construction Storm Water Permit, Attachment C, section B.3.a. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.
18. Violation No. 8: Failure to Complete Inspection Checklist: (1 day)
The submitted weekly QSP inspection report for December 4, 2014, did not include implementation dates in violation of Construction Storm Water Permit, Attachment C, section G.5.g. The Discharger corrected the violation upon notification by the San Diego Water Board; therefore, Discharger is in violation for one (1) day.
19. Pursuant to Water Code section 13385(a), a person that violates Water Code section 13376, a waste discharge requirement, or a requirement of section 301 of the federal Clean Water Act is subject to administrative civil liability pursuant to Water Code section 13385(c) "in an amount not to exceed the sum of both of the following: (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."
20. The alleged violations constitute violations subject to Water Code section 13385. Therefore, the maximum liability that the San Diego Water Board may assess pursuant to Water Code section 13385(c) is summarized in Table 1, Maximum and Minimum Liability Amounts.
21. Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute the violation." The State Water Board's Water Quality Enforcement Policy (Enforcement Policy) requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability that the San Diego Water Board shall assess pursuant to Water Code section 13385(e) is summarized in Table 1. Maximum and Minimum Liability Amounts. See also Technical Analysis Exhibit No. 7.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

Table 1. Maximum and Minimum Liability Amounts

Violation	Days	Liability	
		Maximum	Minimum
1. Discharge of Sediment Laden Storm Water	1	\$10,000	\$1,070
2. Failure to Implement Erosion Controls	1	\$10,000	\$5,089
3. Failure to Implement Sediment Controls	1	\$10,000	\$109
4. Failure to Implement Run-on and Runoff Controls	1	\$10,000	\$547
5. Failure to Cover Stockpiles	1	\$10,000	\$2,545
6. Failure to Implement Entrance Tracking BMPs	1	\$10,000	\$1,231
7. Failure to Implement Vehicle Fluid Leaks BMPs	1	\$10,000	\$2,896
8. Failure to Complete Inspection Checklist	1	\$10,000	\$113
	Totals	\$80,000	\$13,600

22. The Parties have engaged in confidential settlement negotiations and agree to resolve the alleged violations set forth above in this Stipulated Order without formal administrative proceedings. The Parties have agreed to the final imposition of **forty-six thousand seven hundred eighteen dollars (\$46,718)** in liability against the Discharger pursuant to Water Code section 13385 and Government Code section 11415.60. The liability amount includes seven thousand eight hundred seventy-nine dollars (\$7,879) in San Diego Water Board staff costs. Table 2. Penalty Summary, provides a breakdown of the liabilities. The Prosecution Team calculated the administrative civil liability penalty under Water Code section 13385 in accordance with the Enforcement Policy. A full discussion of the penalty calculation factors can be found in Attachment A, incorporated herein by reference as if set forth in full.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

Table 2. Penalty Summary

Alleged Violation	Days of Violation	Liability Per Day of Violation	Liability Amount
1. Discharge of Sediment Laden Storm Water, December 4, 2014.	1	\$3,300	\$3,300
2. Failure to Implement Erosions, December 4, 2014.	1	\$5,089	\$5,089
3. Failure to Implement Sediment Controls, December 4, 2014.	1	\$4,550	\$4,550
4. Failure to Implement Run-on and Runoff Controls, December 4, 2014.	1	\$4,550	\$4,550
5. Failure to Cover Stockpiles, December 4, 2014.	1	\$4,550	\$4,550
6. Failure to Implement Entrance Tracking BMPs, December 4, 2014.	1	\$4,550	\$4,550
7. Failure to Implement Vehicle Fluid Leaks BMPs, December 4, 2014.	1	\$7,700	\$7,700
8. Failure to Complete Inspection Checklist, December 4, 2014.	1	\$4,550	\$4,550
Total Base Liability Amount			\$38,839
Staff Costs			\$7,879
Total Liability			\$46,718

23. Based on the information in the record, the Prosecution Team determined that the above resolution of the alleged violations is fair and reasonable, and fulfills the enforcement objectives of Water Code sections 13000 et seq., and the Enforcement Policy, and satisfies the objectives and requirements of the federal Clean Water Act as implemented by the foregoing, and that no further action is warranted concerning the alleged violations except as provided in this Stipulated Order, and that this Stipulated Order is in the best interest of the public.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

STIPULATIONS

The Parties stipulate to the following:

24. Party Contact Information:

For the San Diego Water Board: Chiara Clemente, Enforcement Coordinator
San Diego Water Board
2375 Northside Drive, Suite 100
San Diego, California 92108
(619) 521-3371
Chiara.Clemente@waterboards.ca.gov

Kailyn Ellison (Counsel)
State Water Resources Control Board
Office of Enforcement
1001 I Street, 16th Floor
Sacramento, California 95814
(916) 445-9557
Kailyn.Ellison@waterboards.ca.gov

For the Discharger:

Stephen L. Marsh (Counsel)
McKenna Long & Aldridge LLP
600 West Broadway, Suite 2600
San Diego, California 92101-3372
(619) 699-2418
smarsh@mckennalong.com

25. Administrative Civil Liability: Discharger hereby agrees to the imposition of an administrative civil liability totaling \$46,718 as set forth in Paragraph 22 herein.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

26. Payment and Costs: Discharger shall pay the total administrative civil liability amount of forty-six thousand seven hundred eighteen dollars (\$46,718) within thirty (30) days of adoption of this Stipulated Order executed by the San Diego Water Board. Payment shall be made by check to the "State Water Board Cleanup and Abatement Account." Discharger shall indicate on the check the number of this Stipulated Order (R9-2015-0015) and send it to:

State Water Resources Control Board
Accounting Office
Attn: ACL Payment
P.O. Box 1888
Sacramento, California 95812-1888

Discharger shall email a PDF file copy of the check to the designated San Diego Water Board Party Contacts.

27. Matters Addressed by Stipulation: Upon adoption of this Stipulated Order by the San Diego Water Board, this Stipulated Order represents a final and binding resolution to settle, as set forth herein, all claims, violations, or causes of action as alleged. The provisions of this paragraph are expressly conditioned on the payment of the administrative civil liability as provided herein by the deadlines specified in this Stipulated Order, and the Discharger's full satisfaction of the obligations described in this Stipulated Order.
28. Compliance with Applicable Laws: Discharger understands that payment of the administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged in this Stipulated Order may subject it to further enforcement, including additional administrative civil liability.
29. Attorney's Fees and Costs: Except as otherwise provided herein, each Party shall bear its attorney's fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
30. Covenant Not to Take Further Enforcement Action: In consideration of Discharger's compliance with this Stipulated Order, the Prosecution Team and the San Diego Water Board hereby covenant not to bring any further administrative or judicial enforcement action against the Discharger, whether under California or federal law, concerning the specific violations alleged in this Stipulated Order.

**Settlement Agreement and
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Northwest Village Creek Construction Project**

31. No Admission of Liability if Stipulated Order Does Not Take Effect: If this Stipulated Order does not take effect because it is not approved by the San Diego Water Board, or its delegee, or is vacated in whole or in part by the State Water Resources Control Board or a court, Discharger's signature becomes void and the Discharger does not admit or stipulate to any of the findings or allegations in this Stipulated Order, or that it has been or is in violation of the Water Code, or any other federal, state, or local law or ordinance.
32. Public Notice: Discharger understands that the San Diego Water Board will conduct a thirty (30) day public review and comment period prior to consideration and adoption. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the San Diego Water Board, or its delegate, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the San Diego Water Board. Discharger agrees that it may not rescind or otherwise withdraw its approval of this Stipulated Order.
33. Addressing Objections Raised During Public Comment Period: The Parties agree that the procedures for adopting this Stipulated Order by the San Diego Water Board and review of this Stipulated Order by the public are lawful and adequate. In the event procedural objections are raised prior to the adoption of this Stipulated Order, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.
34. No Waiver of Right to Enforce: The failure of the Prosecution Team or San Diego Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or San Diego Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.
35. Interpretation: This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
36. Modification: This Stipulated Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the San Diego Water Board, or its delegate.

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Northwest Village Creek Construction Project**

37. If Stipulated Order Does Not Take Effect: In the event that this Stipulated Order does not take effect because it is not approved by the San Diego Water Board, or its delegate, or is vacated in whole or in part by the State Water Resources Control Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the San Diego Water Board and/or a hearing panel to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing pursuant to Evidence Code sections 1152 and 1154. The Parties agree to waive any and all objections based on settlement communications in this matter, other than Evidence Code sections 1152 and 1154 evidentiary objections, including, but not limited to:
- a. Objections related to prejudice or bias of any of the San Diego Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the San Diego Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violations alleged in this Stipulated Order; or
 - b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.
38. Waiver of Hearing: Discharger has been informed of the rights provided by Water Code section 13323(b), and hereby waives its right to a hearing before the San Diego Water Board prior to the adoption of this Stipulated Order by the San Diego Water Board, or its delegate.
39. Waiver of Right to Petition: Discharger hereby waives its right to petition the San Diego Water Board's adoption of this Stipulated Order for review by the State Water Resources Control Board, and further waives its right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
40. Covenant Not to Sue: Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, its officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter addressed herein.

**Settlement Agreement and
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41. San Diego Water Board is Not Liable: Neither the San Diego Water Board members nor the San Diego Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Discharger, its directors, officers, employees, agents, representatives, or contractors in carrying out activities pursuant to this Stipulated Order.
42. Authority to Bind: Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of, and to bind the entity on whose behalf he or she executes this Stipulated Order.
43. Necessity for Written Approvals: All approvals and decisions of the San Diego Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions or comments by employees or officials of the San Diego Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
44. No Third Party Beneficiaries: This Stipulated Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
45. Effective Date: This Stipulated Order shall be effective and binding on the Parties upon the date the San Diego Water Board adopts this Stipulated Order.
46. Counterpart Signatures: This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.
47. Severability: The provisions of this Stipulated Order are severable; should any provision be found invalid the remainder shall remain in full force and effect.

**Settlement Agreement and
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Northwest Village Creek Construction Project**

It is so stipulated.

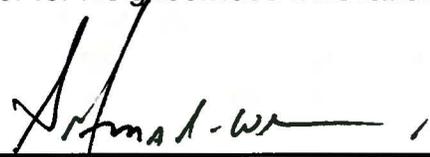
California Regional Water Quality Control Board, San Diego Region, Prosecution Team

By: 

JAMES G. SMITH
Assistant Executive Officer

Date: 30 Apr 2015

Jacobs Center for Neighborhood Innovation

By: 

STEPHEN MADULI-WILLIAMS
Vice President

Date: 5-15-15

Approved as to Form

By: 

STEPHEN L. MARSH
Counsel for Discharger

Date: 14 May 2015

**Settlement Agreement and
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Northwest Village Creek Construction Project**

**FINDINGS OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION**

48. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Stipulated Order of the San Diego Water Board.
49. The San Diego Water Board finds that the Recitals set forth herein are true.
50. The proposed Stipulated Order was noticed for public comment for a minimum of thirty (30) days prior to San Diego Water Board consideration.
51. This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
52. In adopting this Stipulated Order, the San Diego Water Board has considered, where applicable, each of the factors prescribed in Water Code sections 13327 and 13385(e). The consideration of these factors is based upon information and comments obtained by the San Diego Water Board's staff in investigating the allegations herein or otherwise provided to the San Diego Water Board or its delegate by the Parties and members of the public. In addition to these factors, this Stipulated Order recovers the costs incurred by the staff of the San Diego Water Board for this matter.
53. This is an action to enforce the laws and regulations administered by the San Diego Water Board. The San Diego Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321 (a)(2), Title 14, of the California Code of Regulations.
54. The San Diego Water Board's Executive Officer is hereby authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Stipulated Order.
55. Fulfillment of the Discharger's obligations under this Stipulated Order constitutes full and final satisfaction of any and all liability for each allegation in this Stipulated Order in accordance with the terms of this Stipulated Order.

**Settlement Agreement and
Stipulation for Entry of
ACL Order No. R9-2015-0015
Northwest Village Creek Construction Project**

Pursuant to Water Code sections 13323 and 13385, and Government Code section 11415.60, **IT IS HEREBY ORDERED** by the California Regional Water Quality Control Board, San Diego Region.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on _____.

DAVID W. GIBSON
Executive Officer

Date: _____

or

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by delegated authority granted to me from the California Regional Water Quality Control Board, San Diego Region.



DAVID W. GIBSON
Executive Officer

Date: 7 July 2015

Attachment A: Technical Analysis

Attachment A

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

TECHNICAL ANALYSIS

Settlement Agreement and Stipulation for Entry of
Administrative Civil Liability

Order No. R9-2015-0015

Jacobs Center for Neighborhood Innovation
Northwest Village Creek Construction Project

Noncompliance with

State Water Resources Control Board
Order No. 2009-0009-DWQ, as amended by
Order Nos. 2010-0014-DWQ and 2012-0006-DWQ,
National Pollutant Discharge Elimination System (NPDES)
General Permit for Storm Water Discharges Associated with
Construction and Land Disturbance Activities

and

Water Code section 13376

and

Clean Water Act section 301

Prepared
by

Frank Melbourn
Water Resource Control Engineer
Compliance Assurance Unit

April 23, 2015

A. Introduction

This technical analysis provides a summary of factual and analytical evidence that support the findings in Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2015-0015 in the Matter of Jacobs Center for Neighborhood Innovation (Stipulated Order) and the assessment of civil liability in the amount of forty-six thousand seven hundred and eighteen dollars (**\$46,718**) against Jacobs Center for Neighborhood Innovation (Discharger) for violations of California State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, as amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Construction Storm Water Permit). See Exhibit No. 1, Construction Storm Water Permit.

The Stipulated Order will be issued to the Discharger because the Discharger failed to comply with the terms and conditions of the Construction Storm Water Permit during the ongoing construction of a retail shopping center that includes a Walgreens store, referred to as the Northwest Village Creek Construction Project (Project), located on 3.7 acres within the City of San Diego's Chollas View community at 602 Euclid Avenue, San Diego, California 92114 (Site). The Site lies within the Chollas Hydrologic Subarea (HSA) (908.22) of the Pueblo San Diego Hydrologic Unit. Storm water discharges from the Site drain directly into Chollas Creek and indirectly into Chollas Creek via the City of San Diego's storm water conveyance system. See Figure 1. Site Location Map.

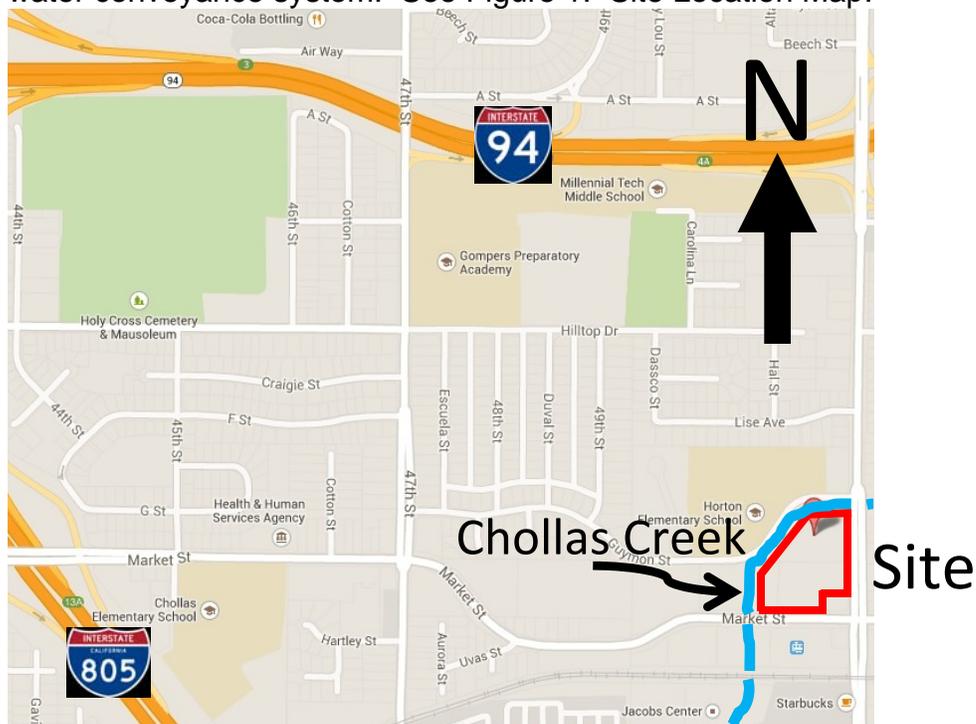


Figure 1. Site Location Map. Location of Northwest Village Creek Construction Project site (outlined in red) at 602 Euclid Avenue, San Diego, California 92114.

Jacobs Center for Neighborhood Innovation (JCNI) is the project developer. Stephen Maduli-Williams is the contact for JCNI and the “Legally Responsible Person” (LRP) for the Discharger for the Project. JCNI was founded in 1995 and is a nonprofit foundation working in partnership with the Jacobs Family Foundation. On March 26, 2014, Stephen Maduli-Williams, on behalf of JCNI, filed a Notice of Intent (NOI) to comply with the Construction Storm Water Permit for the Project with the State Water Board. See Exhibit No. 2, Notice of Intent. The NOI stated that construction activities would begin on March 24, 2014, and end on October 31, 2014. On March 28, 2014, the State Water Board processed the NOI and assigned Waste Discharge Identification (WDID) No. 9 37C369293 to the Project. On December 19, 2014, Mr. Maduli-Williams submitted a Change of Information (COI) to the NOI stating that construction activity for the Project did not commence until August 25, 2014.

The Site’s Storm Water Pollution Prevention Plan (SWPPP) characterizes the Project as being Risk Level 1. Pursuant to Construction Storm Water Permit section VIII, dischargers “calculate the site’s sediment risk and receiving water risk during periods of soil exposure (i.e. grading and site stabilization).” “Risk Level 1” is assigned to projects with low receiving water risk and low sediment risk. (Construction Storm Water Permit, § II.J.1.a.)

B. Construction Storm Water Permit

The Construction Storm Water Permit authorizes discharges of storm water associated with construction activity as long as the best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) are implemented to reduce or eliminate pollutants in storm water runoff. BAT/BCT technologies include passive systems such as erosion and sediment control best management practices (BMPs¹) as well as structural controls, as necessary, to achieve compliance with water quality standards. The Construction Storm Water Permit identifies effective erosion control measures such as “preserving existing vegetation where feasible, limiting disturbance, and stabilizing and re-vegetating disturbed areas as soon as possible after grading or construction activities.” (Construction Storm Water Permit, § II.J.1.e.)

¹ Best management practices (BMPs) are “schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of ‘waters of the United States.’ BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.” (40 C.F.R. § 122.2)

The Construction Storm Water Permit further identifies erosion control BMPs as the primary means of preventing storm water contamination. (Construction Storm Water Permit, § II.J.1.e.) The Construction Storm Water Permit identifies sediment controls as the secondary means of preventing storm water contamination. (*Id.* at § II.J.1.f.) The Construction Storm Water Permit further states that when erosion control techniques are ineffective, sediment control techniques should be used to capture any soil that becomes eroded. (*Id.* at § II.J.1.e.)

C. Complaint Inspection

On December 4, 2014, the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) received a telephone complaint from a concerned citizen about a discharge of sediment laden storm water from the Project. The concerned citizen emailed photographs of the Site in the form of JPG computer files and videos in the form of MOV files that document violations of the Construction Storm Water Permit. See Exhibit No. 3, Concerned Citizen Photographs.

San Diego Water Board inspector Wayne Chiu inspected the Site on December 4, 2014, after receiving the citizen complaint that morning of a sediment laden storm water discharge from the Site into Chollas Creek. Mr. Chiu observed multiple violations of the Construction Storm Water Permit as outlined in the December 10, 2014, Notice of Violation (NOV) No. R9-2014-0145. See Exhibit No. 4, Notice of Violation No. R9-2014-0145.²

D. QSP Site Inspection Reports

Whitson Contracting & Management, Inc., the Project Qualified SWPPP Practitioner (QSP) conducted weekly storm water site inspections for the Discharger as well as pre-, during-, and post-storm event inspections. These reports further documented the failure of the Discharger to implement effective erosion and sediment control BMPs, as well as Housekeeping BMPs. See Exhibit No. 5, Qualified SWPPP Practitioner Inspection Reports.

² The NOV transmittal includes a copy of the December 4, 2014, San Diego Water Board inspection report.

E. Beneficial Uses of Affected Waters

The Basin Plan designates beneficial uses for all surface and ground waters in the San Diego Region. These beneficial uses "form the cornerstone of water quality protection under the Basin Plan." (Basin Plan, Chapter 2) Beneficial uses are defined in the Basin Plan as "the uses of water necessary for the survival or well being of man, plants and wildlife." (*Id.*)

The Basin Plan also designates water quality objectives to protect the designated beneficial uses. Water Code section 13050(h) defines "water quality objectives" as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area."

The Basin Plan designates the following beneficial uses for Chollas Creek:

1. Contact Water Recreation (REC-1);
2. Non-contact Water Recreation (REC-2);
3. Warm Freshwater Habitat (WARM); and
4. Wildlife Habitat (WILD).

Chollas Creek is designated as an impaired water body for copper, lead, and zinc pursuant to Clean Water Act section 303(d). A Total Maximum Daily Load (TMDL) has been adopted to address this impairment. Chollas Creek is designated as a water quality limited segment for indicator bacteria pursuant to Clean Water Act section 303(d). A TMDL has been adopted to address this impairment.

F. Determination of Administrative Civil Liability

An administrative civil liability may be imposed pursuant to the procedures in Water Code section 13323. The Stipulated Order alleges the act(s) or failure to act that constitutes a violation of law, the provision of law authorizing civil liability, and the civil liability. Pursuant to the relevant portions of Water Code section 13385(a)

A person who violates any of the following shall be liable civilly in accordance with this section:

- (1) Section 13375 or 13376.
- (2) A waste discharge requirement or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.
- (3) A requirement established pursuant to section 13383.

Furthermore, Water Code section 13385 (c) provides that

Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

- (1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.
- (2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

Water Code section 13385(e) requires the consideration of several factors when determining the amount of civil liability to impose. These factors include

the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

G. Alleged Violations

The following allegations against the Discharger are the basis for assessing administrative civil liability pursuant to Water Code section 13385, and also appear in the Stipulated Order:

1. Discharge of Sediment Laden Storm Water Runoff (1 day, December 4, 2014)

All discharges except for storm water and non-storm water discharges specifically authorized by the Construction Storm Water Permit are prohibited. (Construction Storm Water Permit, § III.B.) Furthermore, “[d]ischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans.” (*Id.* at § III.A.) San Diego Water Board Basin Plan, Chapter 4, Waste Discharge Prohibition No. 8 prohibits discharges to the storm water conveyance system that are not composed entirely of storm water. “Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.” (*Id.* at § V.A.2. and Att. C, § A.1.b.)

During the storm event of December 3-4, 2014, storm water runoff flowed across the Site to its southwest corner and into two basins with drains that discharge directly into Chollas Creek without retaining the runoff and allowing the sediment to drop out. The Discharger describes the basins as “detention basins.” However, the basins fail to meet design requirements; therefore, they are not “detention basins.” The SWPPP clearly states that the basins were not designed to remove pollutants such as a sedimentation basin (SE-2).³ See Exhibit No. 6, Storm Water Pollution Prevention Plan at p. 26, Note SC-b. This was further documented by the San Diego Water Board inspector in his notes that the basins failed to have risers or spillways.⁴ The failure to reduce or eliminate the pollutants in the storm water runoff prior to discharge into Chollas Creek is a violation of the Construction Storm Water Permit, and therefore the discharge is unauthorized. The sediment laden storm water runoff from the Project’s two basins discharged directly into Chollas Creek on December 4, 2014, and was documented by photographs taken by a concerned citizen. See Exhibit No. 3, Concerned Citizen Photographs, December 4, 2014.

³ California Stormwater BMP Handbook, Construction, November 2009.

⁴ Inspection Report dated December 4, 2014, p. 3, Note 7. The inspection report is part of Exhibit No. 4.

2. Failure to Implement Erosion Control (1 day, December 4, 2014)
“Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.” (Construction Storm Water Permit, Att. C, § D.2.) During the December 4, 2014, inspection, Mr. Chiu noted that several areas of the Site appeared to be inactive and without effective soil cover for erosion control. Furthermore, evidence of erosion due to a lack of erosion control was observed throughout the Site. See Exhibit No. 4, Notice of Violation No. R9-2014-0145.
3. Failure to Implement Sediment Controls (1 day, December 4, 2014)
“Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.” (Construction Storm Water Permit, Att. C, § E.1.) During Mr. Chiu’s inspection of December 4, 2014, he noted the discharge of a significant amount of sediment onto Market Street and the sidewalk as a result of inadequate sediment control BMPs along the Site perimeter and the two Market Street entrances. See Exhibit No. 4, Notice of Violation No. R9-2014-0145.
4. Failure to Implement Run-on and Runoff Controls (1 day, December 4, 2014)
“Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site.” (Construction Storm Water Permit, Att. C, § F.) During Mr. Chiu’s inspection of December 4, 2014, he observed and documented where Site perimeter sediment controls were not established or maintained resulting in run-on from the Church’s Chicken property onto the Site. The run-on resulted in a sediment discharge to Market Street from the Site. See Exhibit No. 4, Notice of Violation No. R9-2014-0145.
5. Failure to Cover Stockpiles (1 day, December 4, 2014)
“Risk Level 1 dischargers shall implement good site management (i.e., ‘housekeeping’) measures for construction materials that could potentially be a threat to water quality if discharged.” (Construction Storm Water Permit, Att. C, § B.1.) This includes covering and berming inactive loose stockpiles. (*Id.* at § B.1.b.) On December 4, 2014, Mr. Chiu documented that the large soil stockpile failed to have adequate cover. See Exhibit No. 4, Notice of Violation No. R9-2014-0145.

6. Failure to Implement Entrance Tracking BMPs (1 day, December 4, 2014)
“Risk Level 1 dischargers shall implement good site management (i.e., ‘housekeeping’) measures for construction materials that could potentially be a threat to water quality if discharged.” (Construction Storm Water Permit, Att. C, § B.1., emphasis in the original.) This includes implementing BMPs to prevent off-site tracking of loose construction and landscape materials. (*Id.* at § B.1.e.) On December 4, 2014, Mr. Chiu documented significant sediment tracking at the Market Street site entrance (east, near Church’s Chicken). This demonstrates the inadequacy of sediment control BMPs and sweeping of the entrance. See Exhibit No. 4, Notice of Violation No. R9-2014-0145.

7. Failure to Implement Vehicle Fluid Leaks BMPs (1 day, December 4, 2014)
“Risk Level 1 dischargers shall implement good housekeeping for vehicle storage and maintenance which at a minimum shall consist of the following:” (Construction Storm Water Permit, Att. C, § B.3., emphasis in the original.) This includes implementing BMPs for vehicle storage and maintenance by preventing oil, grease, or fuel leaks to the ground, storm drains, or surface waters. (*Id.* at § B.3.a.) On December 4, 2014, Mr. Chiu confirmed that the vehicles did not have drip pans to catch vehicle fluid leaks. See Exhibit No. 4, Notice of Violation No. R9-2014-0145; see also Exhibit No. 3, Concerned Citizen Photographs.

8. Failure to Complete Inspection Checklist (1 Report)
The Construction Storm Water Permit requires Risk Level 1 dischargers to perform weekly inspections and observations and to record a checklist of information. (Construction Storm Water Permit, Att. C, § G.) “Risk Level 1 dischargers shall ensure that checklists shall remain onsite with the SWPPP and at a minimum, shall include: ... Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.” (*Id.* at § G.5.g.)

The weekly QSP inspection report for December 4, 2014, did not include implementation dates. Therefore, it is unclear whether the recommended corrective actions for noted failures or other shortcomings were completed. See Exhibit No. 5, Qualified SWPPP Practitioner Inspection Reports. Failure to correct BMP deficiencies increases the likelihood of a sediment discharge and decreases the pollutant removal effectiveness of the Site’s BMPs.

H. Penalty Calculation

The State Water Board's Water Quality Enforcement Policy (Enforcement Policy) provides a penalty calculation methodology for the State Water Board and the nine Regional Water Quality Control Boards (collectively Water Boards) to use in administrative civil liability cases. The penalty calculation methodology enables the Water Boards to fairly and consistently implement liability provisions of the Water Code for maximum enforcement impact to address, correct, and deter water quality violations. The penalty calculation methodology provides a consistent approach and analysis of factors to determine liability based on the applicable Water Code section.

Pursuant to the Enforcement Policy, Water Boards shall determine an initial liability factor based on the Potential for Harm score and the extent of Deviation from Requirements for the violation when there is a discharge. Water Boards shall calculate the Potential for Harm by determining the actual or threatened impact to beneficial uses caused by the violation using a three-factor scoring system to quantify: (1) the potential for harm to beneficial uses; (2) the degree of toxicity of the discharge; and (3) the discharge's susceptibility to cleanup or abatement. These factors will be used to determine a per day factor using the matrix set forth in the Enforcement Policy that is multiplied by the maximum per day amount allowed under the Water Code. If applicable, the Water Board shall also determine an initial liability amount on a per gallon basis using the Potential for Harm score and the extent of Deviation from Requirement of the violation.

For each non-discharge violation, the Water Boards shall calculate an initial liability factor, considering the Potential for Harm and extent of Deviation from Requirements, using the matrix set forth in the Enforcement Policy that corresponds to the appropriate Potential for Harm and the Deviation from Requirement categories.

Pursuant to the Enforcement Policy, Water Boards shall use three adjustment factors for modification of the initial liability amount. These factors are culpability; cleanup and cooperation; and history of violations. The initial liability amount can be increased or decreased based on these adjustment factors. Additional adjustments may be used regarding multiple violations resulting from the same incident and multiple day violations.

**Violation No. 1: Discharge of Sediment Laden Water (1 day)
December 4, 2014**

Step 1 – Potential for Harm for Discharge Violations

Factor 1: Harm or Potential for Harm to Beneficial Uses

This factor evaluates direct or indirect harm or potential for harm from the violation. A score between 0 (negligible) and 5 (major) is assigned in accordance with the statutory factors of the nature, circumstances, extent, and gravity of the violation.

The San Diego Water Board Prosecution Team (Prosecution Team) assigns a score of **3 (Moderate)** out of 5 for Factor 1 of the penalty calculation. The Enforcement Policy defines “Moderate” as “moderate threat to beneficial uses (i.e., impacts are observed or reasonably expected and impacts to beneficial uses are moderate and likely to attenuate without appreciable acute or chronic effects).” A score of 3 (Moderate) is selected because:

1. Sediment was directly and indirectly discharged into Chollas Creek. The primary storm water pollutant at construction sites is sediment.
2. Chollas Creek is designated as an impaired water body for copper, lead, and zinc pursuant to Clean Water Act section 303(d). Sediment discharged from the Project likely transported other pollutants such as metals; therefore the unauthorized discharge further degraded the poor health of the Chollas Creek waters.
3. Sediment discharges negatively impact the beneficial uses of Chollas Creek: Contact and Non-contact Water Recreation (REC-1 and REC-2, respectively), Warm Freshwater Habitat (WARM), and Wildlife Habitat (WILD); and
4. Impacts to Chollas Creek were likely due to the turbidity and volume of the discharge; resulting in temporary restrictions on beneficial uses.

Factor 2: Physical, Chemical, Biological or Thermal Characteristics of the Discharge

A score between 0 and 4 is assigned based on a determination of the risk or threat of the discharged material. "Potential receptors" are those identified considering human, environmental, and ecosystem health exposure pathways. In this matter, the Prosecution Team assigns the discharge of sediment to receiving waters a score of **2**. The Enforcement Policy defines a score of 2 as "[d]ischarged material poses a moderate risk or threat to potential receptors (i.e., the chemical and/or physical characteristics of the discharged material have some level of toxicity or pose a moderate level of concern regarding receptor protection." A score of 2 is selected because:

1. Sediment discharges diminish the physical quality of in-stream waterways by altering or obstructing flows and affecting existing riparian functions.
2. Sediment acts as a binding carrier to other toxic constituents like metals and organic contaminants (i.e., pesticides and PCBs).
3. Sediment discharges affect the quality of receiving waters and the ability to support habitat related beneficial uses by reducing visibility and impacting biotic feeding and reproduction. Sediment discharges typically increase receiving water turbidity levels.
4. Sediment discharges cause acute effects on the invertebrate aquatic community; e.g., it can be lethal when the benthic community is buried in sediment.

Factor 3: Susceptibility to Cleanup and Abatement

Pursuant to the Enforcement Policy a score of 0 is assigned for this factor if 50 percent or more of the discharge is susceptible to cleanup or abatement. A score of 1 is assigned to this factor if less than 50 percent of the discharge is susceptible to cleanup or abatement. Less than 50 percent of the discharge was susceptible to cleanup or abatement. Accordingly, the Prosecution team assigns a score of **1** to the penalty calculation for Factor 3.

Final Score - "Potential for Harm"

Based on the above determinations, the Potential for Harm final score for this discharge violation is **6**.

Step 2 - Assessments for Discharge Violations

Water Code section 13385 states that a Regional Water Board may impose civil liability on a daily basis, a per gallon basis, or both. Due to the difficulty in accurately determining the volume of sediment laden storm water discharged during the discharge event, civil liability was only calculated on a per day basis for the violation.

Per Day Assessments for Discharge Violations

The Water Boards shall calculate an initial liability factor for each discharge violation, considering Potential for Harm and the extent of Deviation from Requirement.

Deviation from Requirement

The Prosecution Team assigns a Deviation from Requirement score of **Major** because the Construction Storm Water Permit prohibits all discharges other than storm water from construction sites to waters of the United States, unless otherwise authorized by an NPDES permit. The Enforcement Policy defines major for discharge violations as: "The requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions)." Pollutants were discharged from the Project to waters of the United States because pollutant controls were not implemented; therefore the discharge occurred without NPDES Permit authorization.

Per Day Factor and Per Day Assessment

Using a "Potential for Harm" factor of 6 and "Deviation from Requirement" factor of "Major," the "Per Day Factor" for discharging sediment from the Project to Chollas Creek is **0.220** in Table 2 of the Enforcement Policy. Pursuant to Water Code section 13385 the maximum civil liability for these violations is ten thousand dollars (\$10,000) per day of violation (per violation). Calculating the Per Day Assessment is achieved by multiplying:

$$(\text{Per Day Factor}) \times (\text{Statutory Maximum Liability}) = (0.220) \times (\$10,000) = \$2,200$$

Step 3 - Per Day Assessments for Non-Discharge Violations

Step 3 does not apply to discharge violations.

Step 4 - Adjustment Factors

Culpability

The Prosecution Team assigns a culpability multiplier of **1.5** out of a range from 0.5 to 1.5 for this violation for the following reasons:

1. Discharger knew the requirements of the Construction Storm Water Permit and agreed to comply with the requirements as evidenced by its certified NOI.
2. Discharger failed to implement BMPs to reduce the sediment in the storm water runoff;
3. The SWPPP clearly states that the two basins with drains that discharge directly into Chollas Creek were not designed to remove pollutants like sedimentation basins (SE-2) do. This was also documented in the San Diego Water Board Inspection Report; specifically that the basins failed to have risers or spillways.
4. Discharger intentionally discharged storm water runoff into Chollas Creek as evidenced by the basins being directly piped to Chollas Creek; and
5. Discharger failed to monitor or report the discharge to the San Diego Water Board.

Cleanup and Cooperation

The Prosecution Team assigns a cleanup and cooperation multiplier of **1.0** from a range of .75 to 1.5 for this violation because the Discharger ceased discharge upon direction of San Diego Water Board staff.

History of Violation

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\text{Total Base Liability} = \text{Per Day Assessment} \times \text{No. of Days} \times \text{Culpability} \times \text{Cleanup \& Cooperation} \times \text{History of Violations}$$

$$\text{Total Base Liability} = (\$2,200) \times (1) \times (1.5) \times (1.0) \times (1.0) = \$3,300$$

Step 6 - Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

The Discharger derived an economic benefit by not plugging up the two basin drains and pumping out the ponded storm water runoff for off-site disposal. It is estimated that the labor and materials necessary to plug the two basin drains is \$500. The estimated cost to pump out the two basins and dispose of the ponded storm water runoff offsite is \$450 based upon an invoice provided by the Discharger. Using the U.S. EPA BEN Model the Discharger enjoyed an economic benefit of \$973. See Exhibit No. 7, Economic Benefit Calculation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is (a) ten thousand dollars (\$10,000) per day of violation (per violation); and (b) ten dollars (\$10) for every gallon discharged, over one thousand (1,000) gallons discharged, that was not cleaned up. In this instance, the Prosecution Team is only proposing the assessment of civil liability for the discharge of sediment to waters of the United States on a per day basis based on information currently available. Sediment was known to be discharged to waters of the United States on December 4, 2014; therefore, the maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "at a minimum, liability shall be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$973) = \$1,070$.

Step 10 - Civil Liability for Violation No. 1

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for discharging sediment to waters of the United States in violation of the Construction Storm Water Permit and the Basin Plan for one (1) day is three thousand three hundred dollars (\$3,300), plus staff costs. The liability is within the minimum and maximum liability range.

Violation No. 2: Failure to Implement Erosion Control (1 day) December 4, 2014

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of deviation from applicable requirements. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation is characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm." The Prosecution Team selected Moderate for the following reasons:

1. The entire site was graded. Although vertical construction of the Walgreens store commenced, the Site continued to pose a substantial threat to discharge sediment given the large soil stockpiles;
2. Chollas Creek is a sensitive water body listed as impaired under section 303(d) of the federal Clean Water Act; and

3. Sediment is a pollutant that when discharged, can have lethal effects on benthic communities. Furthermore, sediment can transport toxic materials (e.g., metals and synthetic organics) from the Site and into receiving waters.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as “[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).” Moderate was selected because many inactive areas throughout the Site were without erosion control BMPs. Erosion control BMPs are the first and most valuable BMPs used at a construction site because they prevent erosion from happening in the first place (i.e., it prevents storm water runoff from being polluted with sediment).

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Moderate," the Per Day Factor for failing to implement effective erosion controls in Table 3 of the Enforcement Policy is **0.35**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.35) \times (\$10,000) = \$3,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.3** for this violation because the failure to use erosion control BMPs on inactive areas throughout the Site during the rainy season was at a minimum negligent implementation of the Construction Storm Water Permit by the Discharger.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = \begin{array}{l} \text{Per Day} \\ \text{Assessment} \end{array} \times \begin{array}{l} \text{No. of} \\ \text{Days} \end{array} \times \begin{array}{l} \text{Culpability} \\ \end{array} \times \begin{array}{l} \text{Cleanup \&} \\ \text{Cooperation} \end{array} \times \begin{array}{l} \text{History of} \\ \text{Violations} \end{array}$$

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = (\$3,500) \times (1) \times (1.3) \times (1.0) \times (1.0) = \$4,550$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$4,626 by not applying an erosion control BMP (e.g., spraying of bonded fiber matrix) on the finished areas. Bonded fiber matrix costs approximately \$3,901⁵ per acre to install. Assuming that one acre was inactive, the cost would be \$3,901. The economic benefit of not spraying the bonded fiber matrix is \$4,626. See Exhibit No. 7, Economic Benefit Calculation and Supporting Documentation.

⁵ Soil Stabilization BMP Research for Erosion and Sediment Controls, Cost Survey Technical Memorandum, July 2007, Caltrans, Table 3-1, p. 7.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to implement erosion control BMPs for one day, December 4, 2014. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$4,626) = \$5,089$.

Step 10 - Civil Liability for Violation No. 2

Since the minimum liability amount is above the total base liability amount, the civil liability for failing to implement erosion control for one (1) day in violation of the Construction Storm Water Permit is the minimum five thousand eighty nine dollars (\$5,089), plus staff costs.

Violation No. 3: Failure to Implement Sediment Controls (1 day) December 4, 2014

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of Deviation from Requirement. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm." The Prosecution Team selected Moderate because most of the Site was graded (exposed soil) and discharges indirectly and directly into Chollas Creek, a sensitive water body.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as “[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).” Moderate was selected because although the Discharger implemented sediment control BMPs, it failed to maintain or augment some of the sediment control BMPs, which resulted in the discharge of sediment to the City of San Diego’s storm drain inlet on Market Street.

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Moderate," the Per Day Factor for failing to implement effective sediment controls in Table 3 of the Enforcement Policy is **0.35**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.35) \times (\$10,000) = \$3,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.3** for this violation because the Discharger was not maintaining BMPs and also failed to replace or increase the size of ineffective BMPs.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = \begin{array}{l} \text{Per Day} \\ \text{Assessment} \end{array} \times \begin{array}{l} \text{No. of} \\ \text{Days} \end{array} \times \begin{array}{l} \text{Culpability} \\ \end{array} \times \begin{array}{l} \text{Cleanup \&} \\ \text{Cooperation} \end{array} \times \begin{array}{l} \text{History of} \\ \text{Violations} \end{array}$$

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = (\$3,500) \times (1) \times (1.3) \times (1.0) \times (1.0) = \$4,550$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$99 by delaying the application of sediment control BMPs (e.g. straw waddles or gravel bags). See Exhibit No. 7, Economic Benefit Calculation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to implement sediment control BMPs for one day. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$99) = \109 .

Step 10 - Civil Liability for Violation No. 3

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for failing to implement sediment control BMPs for one (1) day in violation of the Construction Storm Water Permit is four thousand five hundred fifty dollars (\$4,550), plus staff costs. The liability is within the minimum and maximum liability range.

Violation No. 4: Failure to Implement Run-On Runoff Controls (1 day) December 4, 2014

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of Deviation from Requirement. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as “[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm.” The Prosecution Team selected Moderate for the following reasons:

1. Run-on from the Church’s Chicken property was not effectively controlled and resulted in sediment discharges from the Project onto Market Street;
2. Chollas Creek is a sensitive water body listed as impaired under section 303(d) of the federal Clean Water Act;
3. Sediment is a pollutant that when discharged can be lethal when it smothers benthic communities; and
4. Sediment can transport toxic materials (e.g., metals and synthetic organics) from the Site and into receiving waters.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as “[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).” The Discharger implemented some run-on/runoff controls; however, some areas of the Site were not being addressed appropriately, nor in a timely manner, and allowed a sediment discharge to occur.

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Moderate," the Per Day Factor for failing to implement effective run-on runoff controls in Table 3 of the Enforcement Policy is **0.35**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.35) \times (\$10,000) = \$3,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.3** for this violation because these are common construction activities that could have been easily addressed.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\text{Total Base Liability} = \text{Per Day Assessment} \times \text{No. of Days} \times \text{Culpability} \times \text{Cleanup \& Cooperation} \times \text{History of Violations}$$

$$\text{Total Base Liability} = (\$3,500) \times (1) \times (1.3) \times (1.0) \times (1.0) = \$4,550$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$497 by not implementing run-on/runoff controls. The Discharger could have used 25 foot long eight inch diameter fiber rolls or straw wattles to protect the approximately 480 feet perimeter. With an overlap of one foot on each side, twenty 25 foot long wattles were needed. At a cost of \$24.09 per waddle, the BEN computer model calculates an economic benefit of \$497. See Exhibit No. 7, Economic Benefit Calculation Violation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to implement run-on/runoff controls for one (1) day. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$497) = \547 .

Step 10 - Civil Liability for Violation No. 4

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for failing to implement run-on/runoff controls for one (1) day in violation of the Construction Storm Water Permit is four thousand five hundred fifty dollars (\$4,550), plus staff costs. The liability is within the minimum and maximum liability range.

Violation No. 5: Failure to Cover Stockpiles (1 day) December 4, 2014.

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of Deviation from Requirement. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm." The Prosecution Team selected Moderate because the large stockpile posed a substantial threat to discharge sediment to waters of the United States.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as "[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved)." Although the Discharger ultimately sprayed the stockpile and placed plastic sheeting at its base, it did not have adequate BMPs at the time of the inspection.

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Moderate," the Per Day Factor for failing to cover stockpiles in Table 3 of the Enforcement Policy is **0.35**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.35) \times (\$10,000) = \$3,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.3** for this violation because these are common construction activities that could have been easily addressed.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = \begin{array}{l} \text{Per Day} \\ \text{Assessment} \end{array} \times \begin{array}{l} \text{No.} \\ \text{of} \\ \text{Days} \end{array} \times \text{Culpability} \times \text{Cleanup \& Cooperation} \times \text{History of Violations}$$

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = (\$3,500) \times (1) \times (1.3) \times (1.0) \times (1.0) = \$4,550$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$2,314 for not covering the inactive large stockpile. Bonded fiber matrix could have been used to cover the stockpile. Bonded fiber matrix costs approximately \$3,901⁶ per acre to install. Assuming that one-half acre was inactive, the cost would be \$1,951. The economic benefit of not spraying the bonded fiber matrix is \$2,314. See Exhibit No. 7, Economic Benefit Calculation Violation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to cover stockpiles for one (1) day. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$2,314) = \$2,545$.

Step 10 - Civil Liability for Violation No. 5

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for failing to cover the stockpile for one (1) day in violation of the Construction Storm Water Permit is four thousand five hundred fifty dollars (\$4,550), plus staff costs. The liability is within the minimum and maximum liability range.

⁶ *Soil Stabilization BMP Research for Erosion and Sediment Controls, Cost Survey Technical Memorandum*, July 2007, Caltrans, Table 3-1, p. 7.

Violation No. 6: Failure to Implement Entrance Tracking BMPs (1 day) December 4, 2014.

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of Deviation from Requirement. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as “[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm.” The Prosecution Team selected Moderate because the failure to have adequate entrance tracking control can and did result in the discharge of sediment from the Site into the City of San Diego’s Market Street storm drain inlet.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as “[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).” The existing controls were inadequate to prevent the discharge of sediment. Additional BMPs should have been implemented to prevent the discharge.

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Moderate," the Per Day Factor for failing to implement effective entrance tracking BMPs in Table 3 of the Enforcement Policy is **0.35**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.35) \times (\$10,000) = \$3,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.3** for this violation because these are common construction activities that could have been easily addressed.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = \begin{array}{l} \text{Per Day} \\ \text{Assessment} \end{array} \times \begin{array}{l} \text{No.} \\ \text{of} \\ \text{Days} \end{array} \times \text{Culpability} \times \text{Cleanup \& Cooperation} \times \text{History of Violations}$$

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = (\$3,500) \times (1) \times (1.3) \times (1.0) \times (1.0) = \$4,550$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$1,119 by not installing a shaker rack at the southeast entrance to Market Street. See Exhibit No. 7, Economic Benefit Calculation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to implement Entrance Tracking BMPs for one (1) day. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$1,119) = \$1,231$.

Step 10 - Civil Liability for Violation No. 6

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for failing to implement entrance tracking BMPs for one (1) day in violation of the Construction Storm Water Permit is four thousand five hundred fifty dollars (\$4,550), plus staff costs. The liability is within the minimum and maximum liability range.

Violation No. 7: Failure to Implement Vehicle Fluid Leaks BMPs (1 day) December 4, 2014.

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of Deviation from Requirement. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as “[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm.” The Prosecution Team selected Moderate because storm water runoff polluted by vehicle fluids (gasoline, diesel fuel, motor oil, etc.) can be toxic to aquatic life.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Major** Deviation from Requirement. The Enforcement Policy defines a Major Deviation from Requirement as “[t]he requirement has been rendered ineffective (e.g., discharger disregards the requirement, and/or the requirement is rendered ineffective in its essential functions).” There were no drip pans under the heavy equipment.

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Major," the Per Day Factor for failing to use drip pans in Table 3 of the Enforcement Policy is **0.55**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.55) \times (\$10,000) = \$5,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.4** for this violation. QSP inspection reports from September 2014 indicated that drip pans were used. Dedicated vehicle areas with visqueen and fiber rolls were noted in the QSP's October 2014 reports; however, the November 2014 reports indicate that the visqueen and fiber rolls were removed. Therefore, at some time drip pans were no longer used. The QSP inspection reports up to December 3, 2014, stated that drip pans were being used. The December 4, 2014, QSP inspection report confirmed Mr. Chiu's finding that drip pans were not in use.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = \begin{array}{l} \text{Per Day} \\ \text{Assessment} \end{array} \times \begin{array}{l} \text{No.} \\ \text{of} \\ \text{Days} \end{array} \times \text{Culpability} \times \begin{array}{l} \text{Cleanup \&} \\ \text{Cooperation} \end{array} \times \begin{array}{l} \text{History of} \\ \text{Violations} \end{array}$$

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = (\$5,500) \times (1) \times (1.4) \times (1.0) \times (1.0) = \$7,700$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$2,633 by not installing drip pillow berms under heavy equipment at the Site. See Exhibit No. 7, Economic Benefit Calculation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to implement vehicle leaks BMPs for one (1) day. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$2,633) = \$2,896$.

Step 10 - Civil Liability for Violation No. 7

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for failing to implement vehicle leaks BMPs for one (1) day in violation of the Construction Storm Water Permit is seven thousand seven hundred dollars (\$7,700), plus staff costs. The liability is within the minimum and maximum liability range.

Violation No. 8: Failure to Complete Inspection Checklist (1 Report) December 4, 2014.

Steps 1 & 2 – Not Applicable (Non-Discharge Violation Alleged)

Step 3 – Per Day Assessments for Non-Discharge Violations

The Water Boards shall calculate an initial liability factor for each non-discharge violation, considering Potential for Harm and the extent of Deviation from Requirement. While non-discharge violations may not directly or immediately impact beneficial uses, they harm or undermine the regulatory program.

Potential for Harm

The violation poses either a Minor, Moderate, or Major threat to beneficial uses. The Potential for Harm for this violation was characterized as **Moderate**. The Enforcement Policy defines Moderate Potential for Harm as "[t]he characteristics of the violation present a substantial threat to beneficial uses, and/or the circumstances of the violation indicate a substantial potential for harm." The Prosecution Team selected Moderate because failing to complete the inspection checklist allowed problem areas to remain unaddressed and therefore, to threaten beneficial uses.

Deviation from Requirement

The violation is characterized as either a Minor, Moderate, or Major deviation from the requirement. In this case, the Prosecution Team characterized the violation as a **Moderate** Deviation from Requirement. The Enforcement Policy defines a Moderate Deviation from Requirement as “[t]he intended effectiveness of the requirement has been partially compromised (e.g., the requirement was not met, and the effectiveness of the requirement is only partially achieved).” The Discharger employed a QSP that inspected the Site weekly and forwarded a checklist indicating what BMPs were acceptable, missing, or required repair. Weekly inspections can identify vulnerable areas of the site, provide feedback as to the effectiveness of the BMPs, and indicate where use of a different BMP may be called for. The Discharger received the checklist; however it failed to provide the date that the corrective work was initiated. Construction Storm Water Permit, Attachment C, section G.3., requires implementation of repairs within 72 hours of identification. Here, the Discharger failed to act on a key component of the Construction Storm Water Permit.

Per Day Factor and Per Day Assessment

Using a Potential for Harm factor of "Moderate" and Deviation from Requirement factor of "Moderate," the Per Day Factor for failing to complete the inspection checklist in Table 3 of the Enforcement Policy is **0.35**.

$$\text{Per Day Assessment} = (\text{Per Day Factor}) \times (\text{Statutory Maximum Liability})$$

$$\text{Per Day Assessment} = (0.35) \times (\$10,000) = \$3,500$$

Step 4 - Adjustment Factors

Three additional factors are considered and can modify the amount of initial liability: Culpability; Cleanup and Cooperation; and History of Violations.

Culpability

The culpability multiplier ranges between 0.5 and 1.5. The Prosecution Team assigns a multiplier of **1.3** for this violation because the QSP identified problems during the weekly inspections and the Discharger did not document or follow-up. Based upon the QSP's photographs, some BMP problems may have occurred over several weeks.

Cleanup and Cooperation

This is the extent to which the discharger voluntarily cooperated in returning to compliance and correcting environmental damage. Multiplier ranges between 0.75 to 1.5 with the lower multiplier applying where there is a high degree of cleanup and cooperation, and a higher multiplier where this is absent. In this case, the Prosecution Team assigns a multiplier of **1.0** because the Discharger corrected the violations upon San Diego Water Board notification.

History of Violations

The Prosecution Team assigns a history of violation multiplier of **1.0** because the Discharger does not have a history of violations.

Step 5 - Determination of Total Base Liability Amount

The Total Base Liability amount is determined by multiplying the Per Day Assessment by the Days of Violation to determine the Initial Amount of Liability and then applying the adjustment factors as follows:

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = \begin{array}{l} \text{Per Day} \\ \text{Assessment} \end{array} \times \begin{array}{l} \text{No.} \\ \text{of} \\ \text{Days} \end{array} \times \text{Culpability} \times \begin{array}{l} \text{Cleanup \&} \\ \text{Cooperation} \end{array} \times \begin{array}{l} \text{History of} \\ \text{Violations} \end{array}$$

$$\begin{array}{l} \text{Total} \\ \text{Base} \\ \text{Liability} \end{array} = (\$3,500) \times (1) \times (1.3) \times (1.0) \times (1.0) = \$4,550$$

Step 6 -Ability to Pay and Ability to Continue In Business

See Section I. Ability to Pay and Ability to Continue In Business.

Step 7- Other Factors as Justice May Require

See Section J. Other Factors as Justice May Require.

Step 8 - Economic Benefit

Discharger achieved an economic benefit of \$103 by failing to properly implement the checklist. See Exhibit No. 7, Economic Benefit Calculation and Supporting Documentation.

Step 9 - Maximum and Minimum Liability Amounts

Pursuant to Water Code section 13385 the maximum civil liability that the San Diego Water Board may assess for this violation is ten thousand dollars (\$10,000) per day of violation (per violation). In this instance, the Prosecution Team is proposing the assessment of civil liability for the failure to complete the inspection checklist for one (1) day. The maximum civil liability that could be assessed for this violation is ten thousand dollars (\$10,000).

Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "[a]t a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability is $(1.1 \times \$103) = \113 .

Step 10 - Civil Liability for Violation No. 8

Based on the unique facts of this case, and the penalty calculation methodology within Section VI of the Enforcement Policy, the civil liability for failing to complete weekly inspection checklists for one (1) day in violation of the Construction Storm Water Permit is four thousand five hundred fifty dollars (\$4,550), plus staff costs. The liability is within the minimum and maximum liability range.

I. Ability to Pay and Ability to Continue In Business

The Total Base Liability Amount may be adjusted to address the violator's ability to pay or continue in business. The Total Base Liability Amount should not be adjusted here because Discharger has the ability to pay and continue in business. Although Discharger is a section 501(c)(3) tax-exempt nonprofit foundation, Discharger's 2012 IRS Form 990-PF shows that Discharger possesses over one hundred and fifty million dollars (\$150,000,000) in assets.

J. Other Factors as Justice May Require

The Enforcement Policy provides that if the San Diego Water Board believes that the amount determined using the above factors is inappropriate, the liability amount may be adjusted under the provision for “other factors as justice may require,” if express findings are made.

Examples of circumstances warranting an adjustment under this step are:

- a. The discharger has provided, or Water Board staff has identified, other pertinent information not previously considered that indicates a higher or lower amount is justified.
- b. A consideration of issues of environmental justice indicates that the amount would have a disproportionate impact on a particular disadvantaged group.
- c. The calculated amount is entirely disproportionate to assessments for similar conduct made in the recent past using the Enforcement Policy.

(Enforcement Policy, p. 19.)

The circumstances in this matter do not warrant an adjustment under this step.

The Enforcement Policy also provides under the “Other Factors as Justice May Require” that the cost of investigation and enforcement should be added to the liability amount. From December 9, 2014, to April 22, 2015, the San Diego Water Board invested 110.5 hours to investigate, prepare enforcement documents, and consider this action. The total investment of the San Diego Water Board to date is \$7,879. These staff costs are not divided by violation and are added at the end of the collective penalty assessment. A summary of the staff costs incurred to date is provided in Exhibit No. 8, Staff Cost Summary.

K. Total Liability Amount

The total liability amount for the violations in Stipulated Order No. R9-2015-0015 is \$38,839, plus staff costs of \$7,879 for a total of \$46,718. A summary of the methodology used by the Prosecution Team to calculate the civil liability is provided in Exhibit No. 9, Penalty Methodology Summary. Below is a tabular summary of the total liability, Table No. 1. Penalty Summary.

Table 1. Penalty Summary

Alleged Violation	Days of Violation	Liability Per Day of Violation	Liability Amount
1. Discharge of Sediment Laden Storm Water Runoff, December 4, 2014	1	\$3,300	\$3,300
2. Failure to Implement Erosion Control, December 4, 2014	1	\$4,550	\$5,089
3. Failure to Implement Sediment Control, December 4, 2014	1	\$4,550	\$4,550
4. Failure to Implement Run-on and Runoff Controls, December 4, 2014	1	\$4,550	\$4,550
5. Failure to Cover Stockpiles, December 4, 2014	1	\$4,550	\$4,550
6. Failure to Implement Entrance Tracking BMPs, December 4, 2014	1	\$4,550	\$4,550
7. Failure to Implement Vehicle Fluid Leaks BMPs, December 4, 2014	1	\$7,700	\$7,700
8. Failure to Complete Inspection Checklist, December 4, 2014	1	\$4,550	\$4,550
Total Base Liability Amount			\$38,839
Staff Costs to Date			\$7,879
Total Liability			\$46,718

Exhibits

1. Construction Storm Water Permit
2. Notice of Intent
3. Concerned Citizen Photographs
4. Notice of Violation No. R9-2014-0145
5. Qualified SWPPP Practitioner Inspection Reports
6. Storm Water Pollution Prevention Plan
7. Economic Benefit Calculation Violation and Supporting Documentation
8. Staff Cost Summary
9. Penalty Methodology Summary



Linda S. Adams
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Arnold Schwarzenegger
Governor

Exhibit No. 1
Construction Storm Water Permit

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I. BACKGROUND

A. History

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published final regulations that established storm water permit application requirements for specified categories of industries. The regulations provide that discharges of storm water to waters of the United States from construction projects that encompass five or more acres of soil disturbance are effectively prohibited unless the discharge is in compliance with an NPDES Permit. Regulations (Phase II Rule) that became final on December 8, 1999 lowered the permitting threshold from five acres to one acre.

While federal regulations allow two permitting options for storm water discharges (Individual Permits and General Permits), the State Water Board has elected to adopt only one statewide General Permit at this time that will apply to most storm water discharges associated with construction activity.

On August 19, 1999, the State Water Board reissued the General Construction Storm Water Permit (Water Quality Order 99-08-DWQ). On December 8, 1999 the State Water Board amended Order 99-08-DWQ to apply to sites as small as one acre.

The General Permit accompanying this fact sheet regulates storm water runoff from construction sites. Regulating many storm water discharges under one permit will greatly reduce the administrative burden associated with permitting individual storm water discharges. To obtain coverage under this General Permit, dischargers shall electronically file the Permit Registration Documents (PRDs), which includes a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other compliance related documents required by this General Permit and mail the appropriate permit fee to the State Water Board. It is expected that as the storm water program develops, the Regional Water Quality Control Boards (Regional Water Boards) may issue General Permits or Individual Permits containing more specific permit provisions. When this occurs, this General Permit will no longer regulate those dischargers.

B. Legal Challenges and Court Decisions

1. Early Court Decisions

Shortly after the passage of the CWA, the USEPA promulgated regulations exempting most storm water discharges from the NPDES permit requirements. (See 40 C.F.R. § 125.4 (1975); see also *Natural Resources Defense Council v. Costle* (D.C. Cir. 1977) 568 F.2d 1369, 1372 (*Costle*); *Defenders of Wildlife v. Browner* (9th Cir. 1999) 191 F.3d 1159, 1163 (*Defenders of Wildlife*)). When environmental groups challenged this exemption in federal court, the District of Columbia Court of Appeals invalidated the regulation, holding that the USEPA “does not have authority to exempt categories of point sources from the permit requirements of [CWA] § 402.” (*Costle*, 568 F.2d at 1377.) The *Costle* court rejected the USEPA’s argument that effluent-based storm sewer regulation was administratively infeasible because of the variable nature of storm water pollution and the number of affected storm sewers throughout the country. (*Id.* at 1377-82.) Although the court acknowledged the practical problems relating to storm sewer regulation, the court found the USEPA had the flexibility under the CWA to design regulations that would overcome these problems. (*Id.* at 1379-83.) In particular, the court pointed to general permits and permits based on requiring best management practices (BMPs).

During the next 15 years, the USEPA made numerous attempts to reconcile the statutory requirement of point source regulation with the practical problem of regulating possibly millions of diverse point source discharges of storm water. (See *Defenders of Wildlife*, 191 F.3d at 1163; see also Gallagher, Clean Water Act in Environmental Law Handbook (Sullivan, edit., 2003) p. 300 (Environmental Law Handbook); Eisen, *Toward a Sustainable Urbanism: Lessons from Federal Regulation of Urban Storm Water Runoff* (1995) 48 Wash. U.J. Urb. & Contemp. L.1, 40-41 [Regulation of Urban Storm Water Runoff].)

In 1987, Congress amended the CWA to require NPDES permits for storm water discharges. (See CWA § 402(p), 33 U.S.C. § 1342(p); *Defenders of Wildlife*, 191 F.3d at 1163; *Natural Resources Defense Council v. USEPA* (9th Cir. 1992) 966 F.2d 1292, 1296.) In these amendments, enacted as part of the Water Quality Act of 1987, Congress distinguished between industrial and municipal storm water discharges. With respect to industrial storm water discharges, Congress provided that NPDES permits "shall meet all applicable provisions of this section and section 1311 [requiring the USEPA to establish effluent limitations under specific timetables]." (CWA § 402(p)(3)(A), 33 U.S.C. § 1342(p)(3)(A); see also *Defenders of Wildlife*, 191 F.3d at 1163-64.)

In 1990, USEPA adopted regulations specifying what activities were considered "industrial" and thus required discharges of storm water associated with those activities to obtain coverage under NPDES permits. (55 Fed. Reg. 47,990 (1990); 40 C.F.R. § 122.26(b)(14).) Construction activities, deemed a subset of the industrial activities category, must also be regulated by an NPDES permit. (40 C.F.R. § 122.26(b)(14)(x)). In 1999, USEPA issued regulations for "Phase II" of storm water regulation, which required most small construction sites (1-5 acres) to be regulated under the NPDES program. (64 Fed. Reg. 68,722; 40 C.F.R. § 122.26(b)(15)(i).)

2. Court Decisions on Public Participation

Two recent federal court opinions have vacated USEPA rules that denied meaningful public review of NPDES permit conditions. On January 14, 2003, the Ninth Circuit Court of Appeals held that certain aspects of USEPA's Phase II regulations governing MS4s were invalid primarily because the general permit did not contain express requirements for public participation. (*Environmental Defense Center v. USEPA* (9th Cir. 2003) 344 F.3d 832.) Specifically, the court determined that applications for general permit coverage (including the Notice of Intent (NOI) and Storm Water Management Program (SWMP)) must be made available to the public, the applications must be reviewed and determined to meet the applicable standard by the permitting authority before coverage commences, and there must be a process to accommodate public hearings. (*Id.* at 852-54.) Similarly, on February 28, 2005, the Second Circuit Court of Appeals held that the USEPA's confined animal feeding operation (CAFO) rule violated the CWA because it allowed dischargers to write their own nutrient management plans without public review. (*Waterkeeper Alliance v. USEPA* (2d Cir. 2005) 399 F.3d 486.) Although neither decision involved the issuance of construction storm water permits, the State Water Board's Office of Chief Counsel has recommended that the new General Permit address the courts' rulings where feasible¹.

¹ In *Texas Independent Producers and Royalty Owners Assn. v. USEPA* (7th Cir. 2005) 410 F.3d 964, the Seventh Circuit Court of Appeals held that the USEPA's construction general permit was not required to provide the public with the opportunity for a public hearing on the Notice of Intent or Storm Water Pollution Prevention Plan. The Seventh Circuit briefly discussed why it agreed with the Ninth Circuit's dissent in *Environmental Defense Center*, but

The CWA and the USEPA's regulations provide states with the discretion to formulate permit terms, including specifying best management practices (BMPs), to achieve strict compliance with federal technology-based and water quality-based standards. (*Natural Resources Defense Council v. USEPA* (9th Cir. 1992) 966 F.2d 1292, 1308.) Accordingly, this General Permit has developed specific BMPs as well as numeric action levels (NALs) in order to achieve these minimum federal standards. In addition, the General Permit requires a SWPPP and REAP (another dynamic, site-specific plan) to be developed but has removed all language requiring the discharger to implement these plans – instead, the discharger is required to comply with specific requirements. By requiring the dischargers to implement these specific BMPs and NALs, this General Permit ensures that the dischargers do not “write their own permits.” As a result this General Permit does not require each discharger's SWPPP and REAP to be reviewed and approved by the Regional Water Boards.

This General Permit also requires dischargers to electronically file all permit-related compliance documents. These documents include, but are not limited to, NOIs, SWPPPs, annual reports, Notice of Terminations (NOTs), and numeric action level (NAL) exceedance reports. Electronically submitted compliance information is immediately available to the public, as well as the Regional Water Quality Control Board (Regional Water Board) offices, via the Internet. In addition, this General Permit enables public review and hearings on permit applications when appropriate. Under this General Permit, the public clearly has a meaningful opportunity to participate in the permitting process.

generally did not discuss the substantive holdings in *Environmental Defense Center and Waterkeeper Alliance*, because neither court addressed the initial question of whether the plaintiffs had standing to challenge the permits at issue. However, notwithstanding the Seventh Circuit's decision, it is not binding or controlling on the State Water Board because California is located within the Ninth Circuit.

C. Blue Ribbon Panel of Experts and Feasibility of Numeric Effluent Limitations

In 2005 and 2006, the State Water Board convened an expert panel (panel) to address the feasibility of numeric effluent limitations (NELs) in California's storm water permits. Specifically, the panel was asked to address:

"Is it technically feasible to establish numeric effluent limitations, or some other quantifiable limit, for inclusion in storm water permits? How would such limitations or criteria be established, and what information and data would be required?"

"The answers should address industrial general permits, construction general permits, and area-wide municipal permits. The answers should also address both technology-based limitations or criteria and water quality-based limitations or criteria. In evaluating establishment of any objective criteria, the panel should address all of the following:

The ability of the State Water Board to establish appropriate objective limitations or criteria;

How compliance determinations would be made;

The ability of dischargers and inspectors to monitor for compliance; and

The technical and financial ability of dischargers to comply with the limitations or criteria."

Through a series of public participation processes (State Water Board meetings, State Water Board workshops, and the solicitation of written comments), a number of water quality, public process and overall program effectiveness problems were identified. Some of these problems are addressed through this General Permit.

D. Summary of Panel Findings on Construction Activities

The panel's final report can be downloaded and viewed through links at www.waterboards.ca.gov or by clicking [here](#)².

The panel made the following observations:

"Limited field studies indicate that traditional erosion and sediment controls are highly variable in performance, resulting in highly variable turbidity levels in the site discharge."

"Site-to-site variability in runoff turbidity from undeveloped sites can also be quite large in many areas of California, particularly in more arid regions with less natural vegetative cover and steep slopes."

² http://www.waterboards.ca.gov/stormwtr/docs/numeric/swpanel_final_report.pdf

“Active treatment technologies involving the use of polymers with relatively large storage systems now exist that can provide much more consistent and very low discharge turbidity. However, these technologies have as yet only been applied to larger construction sites, generally five acres or greater. Furthermore, toxicity has been observed at some locations, although at the vast majority of sites, toxicity has not occurred. There is also the potential for an accidental large release of such chemicals with their use.”

“To date most of the construction permits have focused on TSS and turbidity, but have not addressed other, potentially significant pollutants such as phosphorus and an assortment of chemicals used at construction sites.”

“Currently, there is no required training or certification program for contractors, preparers of soil erosion and sediment control Storm Water Pollution Prevention Plans, or field inspectors.”

“The quality of storm water discharges from construction sites that effectively employ BMPs likely varies due to site conditions such as climate, soil, and topography.”

“The States of Oregon and Washington have recently adopted similar concepts to the Action Levels described earlier.”

In addition, the panel made the following conclusions:

“It is the consensus of the Panel that active treatment technologies make Numeric Limits technically feasible for pollutants commonly associated with storm water discharges from construction sites (e.g. TSS and turbidity) for larger construction sites. Technical practicalities and cost-effectiveness may make these technologies less feasible for smaller sites, including small drainages within a larger site, as these technologies have seen limited use at small construction sites. If chemical addition is not permitted, then Numeric Limits are not likely feasible.”

“The Board should consider Numeric Limits or Action Levels for other pollutants of relevance to construction sites, but in particular pH. It is of particular concern where fresh concrete or wash water from cement mixers/equipment is exposed to storm water.”

“The Board should consider the phased implementation of Numeric Limits and Action Levels, commensurate with the capacity of the dischargers and support industry to respond.”

E. How the Panel’s Findings are Used in this General Permit

The State Water Board carefully considered the findings of the panel and related public comments. The State Water Board also reviewed and considered the comments regarding statewide storm water policy and the reissuance of the Industrial General Permit. From the input received the State Water Board identified some permit and program performance gaps that are addressed in this General Permit. The Summary of Significant Changes (below) in this General Permit are a direct result of this process.

F. Summary of Significant Changes in This General Permit

The State Water Board has significant changes to Order 99-08-DWQ. This General Permit differs from Order 99-08-DWQ in the following significant ways:

Rainfall Erosivity Waiver: this General Permit includes the option allowing a small construction site (>1 and <5 acres) to self-certify if the rainfall erosivity value (R value) for their site's given location and time frame compute to be less than or equal to 5.

Technology-Based Numeric Action Levels: this General Permit includes NALs for pH and turbidity.

Risk-Based Permitting Approach: this General Permit establishes three levels of risk possible for a construction site. Risk is calculated in two parts: 1) Project Sediment Risk, and 2) Receiving Water Risk.

Minimum Requirements Specified: this General Permit imposes more minimum BMPs and requirements that were previously only required as elements of the SWPPP or were suggested by guidance.

Project Site Soil Characteristics Monitoring and Reporting: this General Permit provides the option for dischargers to monitor and report the soil characteristics at their project location. The primary purpose of this requirement is to provide better risk determination and eventually better program evaluation.

Effluent Monitoring and Reporting: this General Permit requires effluent monitoring and reporting for pH and turbidity in storm water discharges. The purpose of this monitoring is to evaluate whether NALs and NELs for Active Treatment Systems included in this General Permit are exceeded.

Receiving Water Monitoring and Reporting: this General Permit requires some Risk Level 3 and LUP Type 3 dischargers to monitor receiving waters and conduct bioassessments.

Post-Construction Storm Water Performance Standards: this General Permit specifies runoff reduction requirements for all sites not covered by a Phase I or Phase II MS4 NPDES permit, to avoid, minimize and/or mitigate post-construction storm water runoff impacts.

Rain Event Action Plan: this General Permit requires certain sites to develop and implement a Rain Event Action Plan (REAP) that must be designed to protect all exposed portions of the site within 48 hours prior to any likely precipitation event.

Annual Reporting: this General Permit requires all projects that are enrolled for more than one continuous three-month period to submit information and annually certify that their site is in compliance with these requirements. The primary purpose of this requirement is to provide information needed for overall program evaluation and public information.

Certification/Training Requirements for Key Project Personnel: this General Permit requires that key personnel (e.g., SWPPP preparers, inspectors, etc.) have specific training or certifications to ensure their level of knowledge and skills are adequate to ensure their ability to design and evaluate project specifications that will comply with General Permit requirements.

Linear Underground/Overhead Projects: this General Permit includes requirements for all Linear Underground/Overhead Projects (LUPs).

II. RATIONALE

A. General Permit Approach

A general permit for construction activities is an appropriate permitting approach for the following reasons:

1. A general permit is an efficient method to establish the essential regulatory requirements for a broad range of construction activities under differing site conditions;
2. A general permit is the most efficient method to handle the large number of construction storm water permit applications;
3. The application process for coverage under a general permit is far less onerous than that for individual permit and hence more cost effective;
4. A general permit is consistent with USEPA's four-tier permitting strategy, the purpose of which is to use the flexibility provided by the CWA in designing a workable and efficient permitting system; and
5. A general permit is designed to provide coverage for a group of related facilities or operations of a specific industry type or group of industries. It is appropriate when the discharge characteristics are sufficiently similar, and a standard set of permit requirements can effectively provide environmental protection and comply with water quality standards for discharges. In most cases, the general permit will provide sufficient and appropriate management requirements to protect the quality of receiving waters from discharges of storm water from construction sites.

There may be instances where a general permit is not appropriate for a specific construction project. A Regional Water Board may require any discharger otherwise covered under the General Permit to apply for and obtain an Individual Permit or apply for coverage under a more specific General Permit. The Regional Water Board must determine that this General Permit does not provide adequate assurance that water quality will be protected, or that there is a site-specific reason why an individual permit should be required.

B. Construction Activities Covered

1. Construction activity subject to this General Permit:

Any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre.

Construction activity that results in land surface disturbances of less than one acre if the construction activity is part of a larger common plan of development or sale of one or more acres of disturbed land surface.

Construction activity related to residential, commercial, or industrial development on lands currently used for agriculture including, but not limited to, the construction of buildings related to agriculture that are considered industrial pursuant to USEPA regulations, such as dairy barns or food processing facilities.

Construction activity associated with LUPs including, but not limited to, those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities) and include, but are not limited to, underground utility mark-out, potholing, concrete

and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.

Discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.³

Storm water discharges from dredge spoil placement that occur outside of U.S. Army Corps of Engineers jurisdiction⁴ (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General Permit. Construction projects that intend to disturb one or more acres of land within the jurisdictional boundaries of a CWA § 404 permit should contact the appropriate Regional Water Board to determine whether this permit applies to the project.

2. Linear Underground/Overhead Projects (LUPs) subject to this General Permit:

Underground/overhead facilities typically constructed as LUPs include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water, wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities) and include, but are not limited to, underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.

Water Quality Order 2003-0007-DWQ regulated construction activities associated with small LUPs that resulted in land disturbances greater than one acre, but less than five acres. These projects were considered non-traditional construction projects. Attachment A of this Order now regulates all construction activities from LUPs resulting in land disturbances greater than one acre.

3. Common Plan of Development or Sale

USEPA regulations include the term “common plan of development or sale” to ensure that acreage within a common project does not artificially escape the permit requirements because construction activities are phased, split among smaller parcels, or completed by different owners/developers. In the absence of an

³ Pursuant to the Ninth Circuit Court of Appeals' decision in *NRDC v. EPA* (9th Cir. 2008) 526 F.3d 591, and subsequent denial of the USEPA's petition for reconsideration in November 2008, oil and gas construction activities discharging storm water contaminated only with sediment are no longer exempt from the NPDES program.

⁴ A construction site that includes a dredge and/or fill discharge to any water of the United States (e.g., wetland, channel, pond, or marine water) requires a CWA Section 404 permit from the U.S. Army Corps of Engineers and a CWA Section 401 Water Quality Certification from the Regional Water Board or State Water Board.

exact definition of “common plan of development or sale,” the State Water Board is required to exercise its regulatory discretion in providing a common sense interpretation of the term as it applies to construction projects and permit coverage. An overbroad interpretation of the term would render meaningless the clear “one acre” federal permitting threshold and would potentially trigger permitting of almost any construction activity that occurs within an area that had previously received area-wide utility or road improvements.

Construction projects generally receive grading and/or building permits (Local Permits) from local authorities prior to initiating construction activity. These Local Permits spell out the scope of the project, the parcels involved, the type of construction approved, etc. Referring to the Local Permit helps define “common plan of development or sale.” In cases such as tract home development, a Local Permit will include all phases of the construction project including rough grading, utility and road installation, and vertical construction. All construction activities approved in the Local Permit are part of the common plan and must remain under the General Permit until construction is completed. For custom home construction, Local Permits typically only approve vertical construction as the rough grading, utilities, and road improvements were already independently completed under the a previous Local Permit. In the case of a custom home site, the homeowner must submit plans and obtain a distinct and separate Local Permit from the local authority in order to proceed. It is not the intent of the State Water Board to require permitting for an individual homeowner building a custom home on a private lot of less than one acre if it is subject to a separate Local Permit. Similarly, the installation of a swimming pool, deck, or landscaping that disturbs less than one acre that was not part of any previous Local Permit are not required to be permitted.

The following are several examples of construction activity of less than one acre that would require permit coverage:

- a. A landowner receives a building permit(s) to build tract homes on a 100-acre site split into 200 one-third acre parcels, (the remaining acreage consists of streets and parkways) which are sold to individual homeowners as they are completed. The landowner completes and sells all the parcels except for two. Although the remaining two parcels combined are less than one acre, the landowner must continue permit coverage for the two parcels.
- b. One of the parcels discussed above is sold to another owner who intends to complete the construction as already approved in the Local Permit. The new landowner must file Permit Registration Documents (PRDs) to complete the construction even if the new landowner is required to obtain a separate Local Permit.
- c. Landowner in (1) above purchases 50 additional one half-acre parcels adjacent to the original 200-acre project. The landowner seeks a Local Permit (or amendment to existing Local permit) to build on 20 parcels while leaving the remaining 30 parcels for future development. The landowner must amend PRDs to include the 20 parcels 14 days prior to commencement of construction activity on those parcels.

C. Construction Activities Not Covered

1. Traditional Construction Projects Not Covered

This General Permit does not apply to the following construction activity:

- a. Routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

- b. Disturbances to land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation.
- c. Discharges of storm water from areas on tribal lands; construction on tribal lands is regulated by a federal permit.
- d. Discharges of storm water within the Lake Tahoe Hydrologic Unit. The Lahontan Regional Water Board has adopted its own permit to regulate storm water discharges from construction activity in the Lake Tahoe Hydrologic Unit (Regional Water Board 6SLT). Owners of construction projects in this watershed must apply for the Lahontan Regional Water Board permit rather than the statewide Construction General Permit. Construction projects within the Lahontan region must also comply with the Lahontan Region Project Guideline for Erosion Control (R6T-2005-0007 Section), which can be found at http://www.waterboards.ca.gov/lahontan/Adopted_Orders/2005/r6t_2005_0007.pdf
- e. Construction activity that disturbs less than one acre of land surface, unless part of a larger common plan of development or the sale of one or more acres of disturbed land surface.
- f. Construction activity covered by an individual NPDES Permit for storm water discharges.
- g. Landfill construction activity that is subject to the Industrial General Permit.
- h. Construction activity that discharges to Combined Sewer Systems.
- i. Conveyances that discharge storm water runoff combined with municipal sewage.
- j. Discharges of storm water identified in CWA § 402(l)(2), 33 U.S.C. § 1342(l)(2).

2. Linear Projects Not Covered

- a. LUP construction activity does not include linear routine maintenance projects. Routine maintenance projects are projects associated with operations and maintenance activities that are conducted on existing lines and facilities and within existing right-of-way, easements, franchise agreements, or other legally binding agreements of the discharger. Routine maintenance projects include, but are not limited to projects that are conducted to:
 - i. Maintain the original purpose of the facility or hydraulic capacity.
 - ii. Update existing lines⁵ and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
 - iii. Repairing leaks.

⁵Update existing lines includes replacing existing lines with new materials or pipes.

Routine maintenance does not include construction of new⁶ lines or facilities resulting from compliance with applicable codes, standards, and regulations.

Routine maintenance projects do not include those areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements. When a project must secure new areas, those areas may be subject to this General Permit based on the area of disturbed land outside the original right-of-way, easement, or agreement.

- b. LUP construction activity does not include field activities associated with the planning and design of a project (e.g., activities associated with route selection).
- c. Tie-ins conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger are not considered construction activities where all other LUP construction activities associated with the tie-in are covered by an NOI and SWPPP of a third party or municipal agency.

3. EPA’s Small Construction Rainfall Erosivity Waiver

EPA’s Storm Water Phase II Final Rule provides the option for a Small Construction Rainfall Erosivity Waiver. This waiver applies to small construction sites between 1 and 5 acres, and allows permitting authorities to waive those sites that do not have adverse water quality impacts.

Dischargers eligible for this waiver are exempt from Construction General Permit Coverage. In order to obtain the waiver, the discharger must certify to the State Water Board that small construction activity will occur only when the rainfall erosivity factor is less than 5 (“R” in the Revised Universal Soil Loss Equation). The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a practice that provides interim non-vegetative stabilization can be used for the end of the construction period. The operator must agree (as a condition waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the General Permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with a certification statement constitutes acceptance of and commitment to complete the final stabilization process. The discharger must submit a waiver certification to the State Board prior to commencing construction activities.

USEPA funded a cooperative agreement with Texas A&M University to develop an online rainfall erosivity calculator. Dischargers can access the calculator from EPA’s website at: www.epa.gov/npdes/stormwater/cgp. Use of the calculator allows the discharger to determine potential eligibility for the rainfall erosivity waiver. It may also be useful in determining the time periods during which construction activity could be waived from permit coverage.

⁶New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

D. Obtaining and Terminating Permit Coverage

The appropriate Legally Responsible Person (LRP) must obtain coverage under this General Permit. To obtain coverage, the LRP or the LRP's Approved Signatory must file Permit Registration Documents (PRDs) prior to the commencement of construction activity. Failure to obtain coverage under this General Permit for storm water discharges to waters of the United States is a violation of the CWA and the California Water Code.

To obtain coverage under this General Permit, LRPs must electronically file the PRDs, which include a Notice of Intent (NOI), Storm Water Pollution Prevention Plan (SWPPP), and other documents required by this General Permit, and mail the appropriate permit fee to the State Water Board. It is expected that as the storm water program develops, the Regional Water Boards may issue General Permits or Individual Permits that contain more specific permit provisions. When this occurs, this General Permit will no longer regulate those dischargers that obtain coverage under Individual Permits.

Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.

The application requirements of the General Permit establish a mechanism to clearly identify the responsible parties, locations, and scope of operations of dischargers covered by the General Permit and to document the discharger's knowledge of the General Permit's requirements.

This General Permit provides a grandfathering exception to existing dischargers subject to Water Quality Order No. 99-08-DWQ. Construction projects covered under Water Quality Order No. 99-08-DWQ shall obtain permit coverage at Risk Level 1. LUP projects covered under Water Quality Order No. 2003-0007-DWQ shall obtain permit coverage at LUP Type 1. The Regional Water Boards have the authority to require Risk Determination to be performed on projects currently covered under Water Quality Order No. 99-08-DWQ and 2003-0007-DWQ where they deem necessary.

LRPs must file a Notice of Termination (NOT) with the Regional Water Board when construction is complete and final stabilization has been reached or ownership has been transferred. The discharger must certify that all State and local requirements have been met in accordance with this General Permit. In order for construction to be found complete, the discharger must install post-construction storm water management measures and establish a long-term maintenance plan. This requirement is intended to ensure that the post-construction conditions at the project site do not cause or contribute to direct or indirect water quality impacts (i.e., pollution and/or hydromodification) upstream and downstream. Specifically, the discharger must demonstrate compliance with the post-construction standards set forth in this General Permit (Section XIII). The discharger is responsible for all compliance issues including all annual fees until the NOT has been filed and approved by the local Regional Water Board.

E. Discharge Prohibitions

This General Permit authorizes the discharge of storm water to surface waters from construction activities that result in the disturbance of one or more acres of land, provided that the discharger satisfies all permit conditions set forth in the Order. This General Permit prohibits the discharge of pollutants other than storm water and non-storm water discharges authorized by this General Permit or another NPDES permit. This General Permit also prohibits all discharges which contain a hazardous substance in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges. In addition, this General Permit incorporates discharge prohibitions contained in water quality control plans, as implemented by the nine Regional Water Boards. Discharges to Areas of Special Biological Significance (ASBS) are prohibited unless covered by an exception that the State Water Board has approved.

Non-storm water discharges include a wide variety of sources, including improper dumping, spills, or leakage from storage tanks or transfer areas. Non-storm water discharges may contribute significant pollutant loads to receiving waters. Measures to control spills, leakage, and dumping, and to prevent illicit connections during construction must be addressed through structural as well as non-structural BMPs. The State Water Board recognizes, however, that certain non-storm water discharges may be necessary for the completion of construction projects. Authorized non-storm water discharges may include those from de-chlorinated potable water sources such as: fire hydrant flushing, irrigation of vegetative erosion control measures, pipe flushing and testing, water to control dust, uncontaminated ground water dewatering, and other discharges not subject to a separate general NPDES permit adopted by a region. Therefore this General Permit authorizes such discharges provided they meet the following conditions.

These authorized non-storm water discharges must:

1. be infeasible to eliminate;
2. comply with BMPs as described in the SWPPP;
3. filter or treat, using appropriate technology, all dewatering discharges from sedimentation basins;
4. meet the NALs for pH and turbidity; and
5. not cause or contribute to a violation of water quality standards.

Additionally, authorized non-storm water discharges must not be used to clean up failed or inadequate construction or post-construction BMPs designed to keep materials onsite. Authorized non-storm water dewatering discharges may require a permit because some Regional Water Boards have adopted General Permits for dewatering discharges.

This General Permit prohibits the discharge of storm water that causes or threatens to cause pollution, contamination, or nuisance.

F. Effluent Standards for All Types of Discharges

1. Technology-Based Effluent Limitations

Permits for storm water discharges associated with construction activity must meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT) for toxic pollutants and non conventional pollutants and best conventional pollutant control technology (BCT) for conventional pollutants. Additionally, these provisions require controls of pollutant discharges to reduce pollutants and any more stringent controls necessary to meet water quality standards. The USEPA has already established such limitations, known as effluent limitation guidelines (ELGs), for some industrial categories. This is not the case with construction discharges. In instances where there are no ELGs the permit writer is to use best professional judgment (BPJ) to establish requirements that the discharger must meet using BAT/BCT technology. This General Permit contains only narrative effluent limitations and does not contain numeric effluent limitations, except for Active Treatment Systems (ATS).

Order No. 2009-0009-DWQ, as originally adopted by the State Water Board on September 2, 2009, contained numeric effluent limitations for pH (within the range of 6.0 and 9.0 pH units) and turbidity (500 NTU) that applied only to Risk Level 3 and LUP Type 3 construction sites. The State Water Board adopted the numeric effluent limitations as technology-based effluent limitations based upon its best professional judgment. The California Building Industry Association, the Building Industry Legal Defense

Foundation, and the California Business Properties Association (petitioners) challenged Order No. 2009-0009-DWQ in *California Building Industry Association et al. v. State Water Resources Control Board*. On December 27, 2011, the Superior Court issued a judgment and writ of mandamus. The Superior Court ruled in favor of the State Water Board on almost all of the issues the petitioners raised, but the Superior Court invalidated the numeric effluent limitations for pH and turbidity for Risk Level 3 and LUP Type 3 sites because it determined that the State Water Board did not have sufficient BMP performance data to support those numeric effluent limitations. Therefore, the Superior Court concluded that the State Water Board did not comply with the federal regulations that apply to the use of best professional judgment. In invalidating the numeric effluent limitations, the Superior Court also suspended two ancillary requirements (a compliance storm event provision and receiving water monitoring at Risk Level 3 and LUP Type 3 sites that violated the numeric effluent limitations) that related solely to the invalidated numeric effluent limitations.

As a result of the Superior Court's writ of mandamus, this Order no longer contains numeric effluent limitations for pH and turbidity, except for ATS. In addition, as a result of the Superior Court's writ of mandamus, the receiving water monitoring requirements for Risk Level 3 and LUP Type 3 sites were suspended until the State Water Board amended this Order to restore the receiving water monitoring requirements. As amended, this Order now requires Risk Level 3 and LUP Type 3 Dischargers with direct discharges to surface waters to conduct receiving water monitoring whenever their effluent exceeds specified receiving water monitoring triggers. The receiving water monitoring triggers were established at the same levels as the previous numeric effluent limitations (effluent pH outside the range of 6.0 and 9.0 pH units or turbidity exceeding 500 NTU). In restoring the receiving water monitoring requirements, the State Water Board determined that it was appropriate to require receiving water monitoring for these types of sites with direct discharges to surface waters that exceeded the receiving water monitoring triggers under any storm event scenarios, because these sites represent the highest threat to receiving water quality. An exceedance of a receiving water monitoring trigger does not constitute a violation of this General Permit. These receiving water monitoring requirements take effect on the effective date of the amendment to this Order.

BAT/BCT technologies not only include passive systems such as conventional runoff and sediment control, but also treatment systems such as coagulation/flocculation using sand filtration, when appropriate. Such technologies allow for effective treatment of soil particles less 0.02 mm (medium silt) in diameter. The discharger must install structural-controls, as necessary, such as erosion and sediment controls that meet BAT and BCT to achieve compliance with water quality standards. The narrative effluent limitations constitute compliance with the requirements of the CWA.

Because the permit is an NPDES permit, there is no legal requirement to address the factors set forth in Water Code sections 13241 and 13263, unless the permit is more stringent than what federal law requires. (See *City of Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 618, 627.) None of the requirements in this permit are more stringent than the minimum federal requirements, which include technology-based requirements achieving BAT/BCT and strict compliance with water quality standards. The inclusion of numeric effluent limitations (NELs) in the permit for Active Treatment Systems does not cause the permit to be more stringent than current federal law. NELs and best management practices are simply two different-methods of achieving the same federal requirement: strict compliance with state water quality standards. Federal law authorizes both narrative and numeric effluent limitations to meet state water quality standards. The use of NELs to achieve compliance with water quality standards is not a more stringent requirement than the use of BMPs. (State Water Board Order No. WQ 2006-0012 (*Boeing*)). Accordingly, the State Water Board does not need to take into account the factors in Water Code sections 13241 and 13263.

The State Water Board has concluded that the establishment of BAT/BCT will not create or aggravate other environmental problems through increases in air pollution, solid waste generation, or energy consumption.—While there may be a slight increase in non-water quality impacts due to the implementation of additional monitoring or the construction of additional BMPs, these impacts will be negligible in comparison with the construction activities taking place on site and would be justified by the water quality benefits associated with compliance.

pH Receiving Water Monitoring Trigger

Given the potential contaminants, the minimum standard method for control of pH in runoff requires the use of preventive measures such as avoiding concrete pours during rainy weather, covering concrete and directing flow away from fresh concrete if a pour occurs during rain, covering scrap drywall and stucco materials when stored outside and potentially exposed to rain, and other housekeeping measures. If necessary, pH-impaired storm water from construction sites can be treated in a filter or settling pond or basin, with additional natural or chemical treatment required to meet pH limits set forth in this permit. The basin or pond acts as a collection point and holds storm water for a sufficient period for the contaminants to be settled out, either naturally or artificially, and allows any additional treatment to take place. The State Water Board considers these techniques to be equivalent to BCT. In determining the pH concentration trigger for discharges, the State Water Board used BPJ to set these limitations.

The chosen trigger was established by calculating three standard deviations above and below the mean pH of runoff from highway construction sites⁷ in California. Proper implementation of BMPs should result in discharges that are within the range of 6.0 to 9.0 pH Units.

Turbidity Receiving Water Monitoring Trigger

The Turbidity receiving water monitoring trigger of 500 NTU is a technology-based trigger and was developed using three different analyses aimed at finding the appropriate threshold to set the technology-based limit to ensure environmental protection, effluent quality and cost-effectiveness. The analyses fell into three, main types: (1) an ecoregion-specific dataset developed by Simon et. al. (2004)⁸; (2) Statewide Regional Water Quality Control Board enforcement data; and (3) published, peer-reviewed studies and reports on in-situ performance of best management practices in terms of erosion and sediment control on active construction sites.

A 1:3 relationship between turbidity (expressed as NTU) and suspended sediment concentration (expressed as mg/L) is assumed based on a review of suspended sediment and turbidity data from three gages used in the USGS National Water Quality Assessment Program:

USGS 11074000 SANTA ANA R BL PRADO DAM CA
USGS 11447650 SACRAMENTO R A FREEPORT CA
USGS 11303500 SAN JOAQUIN R NR VERNALIS CA

The receiving water monitoring trigger represents staff determination that the trigger value is the most practicable based on available data. The turbidity receiving water monitoring trigger represents a bridge between the narrative effluent limitations and receiving water limitations. To support this receiving water monitoring trigger, State Water Board staff analyzed construction site discharge information (monitoring data, estimates) and receiving water monitoring information.

Since the turbidity receiving water monitoring trigger represents an appropriate threshold level expected at a site, compliance with this value does not necessarily represent compliance with either the narrative effluent limitations (as enforced through the BAT/BCT standard) or the receiving water limitations. In the San Diego region, some inland surface waters have a receiving water objective for turbidity equal to 20 NTU. Obviously a discharge up to, but not exceeding, the turbidity receiving water monitoring trigger of

⁷ Caltrans Construction Sites Runoff Characterization Study, 2002. Available at: http://www.dot.ca.gov/hq/env/storm_water/pdf/CTSW-RT-02-055.pdf.

500 NTU may still cause or contribute to the exceedance of the 20 NTU standard. Most of the waters of the State are protected by turbidity objectives based on background conditions.

Table 1 - Regional Water Board Basin Plans, Water Quality Objectives for Turbidity

REGIONAL WATER BOARD	WQ Objective	Background/Natural Turbidity	Maximum Increase
1	Based on background	All levels	20%
2	Based on background	> 50 NTU	10%
3	Based on background	0-50 JTU 50-100 JTU > 100 JTU	20% 10 NTU 10%
4	Based on background	0-50 NTU > 50 NTU	20% 10%
5	Based on background	0-5 NTU 5-50 NTU 50-100 NTU >100 NTU	1 NTU 20% 10 NTU 10%
6	Based on background	All levels	10%
7	Based on background	N/A	N/A
8	Based on background	0-50 NTU 50-100 NTU >100 NTU	20% 10 NTU 10%
9	Inland Surface Waters, 20 NTU All others, based on background	 0-50 NTU 50-100 NTU >100 NTU	 20% 10 NTU 10%

Table 2 shows the suspended sediment concentrations at the 1.5 year flow recurrence interval for the 12 ecoregions in California from Simon et. al (2004).

Table 2 - Results of Ecoregion Analysis

Ecoregion	Percent of California Land Area	Median Suspended Sediment Concentration (mg/L)
1	9.1	874
4	0.2	120
5	8.8	35.6
6	20.7	1530
7	7.7	122
8	3.0	47.4
9	9.4	284
13	5.2	143
14	21.7	5150
78	8.1	581
80	2.4	199
81	3.7	503
Area-weighted average		1633

If a 1:3 relationship between turbidity and suspended sediment is assumed, the median turbidity is 544 NTU.

The following table is composed of turbidity readings measured in NTUs from administrative civil liability (ACL) actions for construction sites from 2003 - 2009. This data was derived from the complete listing of construction-related ACLs for the six year period. All ACLs were reviewed and those that included turbidimeter readings at the point of storm water discharge were selected for this dataset.

Table 3 – ACL Sampling Data taken by Regional Water Board Staff

WDID#	Region	Discharger	Turbidity (NTU)
5S34C331884	5S	Bradshaw Interceptor Section 6B	1800
5S05C325110	5S	Bridalwood Subdivision	1670
5S48C336297	5S	Cheyenne at Browns Valley	1629
5R32C314271	5R	Grizzly Ranch Construction	1400
6A090406008	6T	El Dorado County Department of Transportation, Angora Creek	97.4
5S03C346861	5S	TML Development, LLC	1600
6A31C325917	6T	Northstar Village	See Subdata Set

Subdata Set - Turbidity for point of storm water runoff discharge at Northstar Village

Date	Turbidity (NTU)	Location
10/5/2006	900	Middle Martis Creek
11/2/2006	190	Middle Martis Creek
01/04/2007	36	West Fork, West Martis Creek
02/08/2007	180	Middle Martis Creek
02/09/2007	130	Middle Martis Creek
02/09/2007	290	Middle Martis Creek
02/09/2007	100	West Fork, West Martis Creek
02/10/2007	28	Middle Martis Creek
02/10/2007	23	Middle Martis Creek
02/10/2007	32	Middle Martis Creek
02/10/2007	12	Middle Martis Creek
02/10/2007	60	West Fork, West Martis Creek
02/10/2007	34	West Fork, West Martis Creek

A 95% confidence interval for mean turbidity in an ACL order was constructed. The data set used was a small sample size, so the 500 NTU (the value derived as the receiving water monitoring trigger for this General Permit) needed to be verified as a possible population mean. In this case, the population refers to a hypothetical population of turbidity measurements of which our sample of 20 represents. A t-distribution was assumed due to the small sample size:

Mean: 512.23 NTU Standard Deviation: 686.85 Margin of Error: 321.45 Confidence Interval: 190.78 NTU (Low) 833.68 NTU (High)

Based on a constructed 95% confidence interval, an ACL order turbidity measurement will be between 190.78 – 833.68 NTU. 500 NTU falls within this range. Using the same data set, a small-sample hypothesis test was also performed to test if the ACL turbidity data set contains enough information to cast doubt on choosing a 500 NTU as a mean. 500 NTU was again chosen due to its proposed use as an acceptable value. The test was carried out using a 95% confidence interval. Results indicated that the ACL turbidity data set *does not* contain significant sample evidence to reject the claim of 500 NTU as an acceptable mean for the ACL turbidity population.

There are not many published, peer-reviewed studies and reports on in-situ performance of best management practices in terms of erosion and sediment control on active construction sites. The most often cited study is a report titled, “Improving the Cost Effectiveness of Highway Construction Site Erosion and Pollution Control” (Horner, Guedry, and Kortenof 1990, <http://www.wsdot.wa.gov/Research/Reports/200/200.1.htm>). In a comment letter summarizing this report sent to the State Water Board, the primary author, Dr. Horner, states:

“The most effective erosion control product was wood fiber mulch applied at two different rates along with a bonding agent and grass seed in sufficient time before the tests to achieve germination. Plots treated in this way reduced influent turbidity by more than 97 percent and discharged effluent exhibiting mean and maximum turbidity values of 21 and 73 NTU, respectively. Some other mulch and blanket materials performed nearly as well. These tests demonstrated the control ability of widely available BMPs over a very broad range of erosion potential.”

Other technologies studied in this report produced effluent quality at or near 100 NTU. It is the BPJ of the State Water Board staff that erosion control, while preferred, is not always an option on construction sites and that technology performance in a controlled study showing effluent quality directly leaving a BMP is always easier and cheaper to control than effluent being discharged from the project (edge of property, etc.). As a result, it is the BPJ of the State Water Board staff that it is not cost effective or feasible, at this time, for all risk level and type 3 sites in California to achieve effluent discharges with turbidity values that are less than 100 NTU.

To summarize, the analysis showed that: (1) results of the Simon et. al dataset reveals turbidity values in background receiving water in California’s ecoregions range from 16 NTU to 1716 NTU (with a mean of 544 NTU); (2) based on a constructed 95% confidence interval, construction sites will be subject to administrative civil liability (ACL) when their turbidity measurement falls between 190.78 – 833.68 NTU; and (3) sites with highly controlled discharges employing and maintaining good erosion control practices can discharge effluent from the BMP with turbidity values less than 100 NTU. State Water Board staff has determined, using its BPJ, that it is most cost effective to set the receiving water monitoring trigger for turbidity at 500 NTU.

i. Compliance Storm Event

While this General Permit no longer contains “compliance storm event” exceptions from technology-based NELs, the “compliance storm event” exception from the ATS NELs remain in effect. See Section K of this Fact Sheet, and Attachment F of this General Permit for more information.

a. TMDLs and Waste Load Allocations

Dischargers located within the watershed of a CWA § 303(d) impaired water body, for which a TMDL for sediment has been adopted by the Regional Water Board or USEPA, must comply with the approved TMDL if it identifies “construction activity” or land disturbance as a source of sediment. If it does, the

TMDL should include a specific waste load allocation for this activity/source. The discharger, in this case, may be required by a separate Regional Water Board order to implement additional BMPs, conduct additional monitoring activities, and/or comply with an applicable waste load allocation and implementation schedule. If a specific waste load allocation has been established that would apply to a specific discharge, the Regional Water Board may adopt an order requiring specific implementation actions necessary to meet that allocation. In the instance where an approved TMDL has specified a general waste load allocation to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, dischargers must consult with the state TMDL authority⁹ to confirm that adherence to a SWPPP that meets the requirements of the General Permit will be consistent with the approved TMDL.

2. Determining Compliance with Effluent Standards

a. Technology-Based Numeric Action Levels (NALs)

This General Permit contains technology-based NALs for pH and turbidity, and requirements for effluent monitoring at all Risk level 2 & 3, and LUP Type 2 & 3 sites. Numeric action levels are essentially numeric benchmark values for certain parameters that, if exceeded in effluent sampling, trigger the discharger to take actions. Exceedance of an NAL does not itself constitute a violation of the General Permit. If the discharger fails to take the corrective action required by the General Permit, though, that may constitute a violation.

The primary purpose of NALs is to assist dischargers in evaluating the effectiveness of their on-site measures. Construction sites need to employ many different systems that must work together to achieve compliance with the permit's requirements. The NALs chosen should indicate whether the systems are working as intended.

Another purpose of NALs is to provide information regarding construction activities and water quality impacts. This data will provide the State and Regional Water Boards and the rest of the storm water community with more information about levels and types of pollutants present in runoff and how effective the dischargers BMPs are at reducing pollutants in effluent. The State Water Board also hopes to learn more about the linkage between effluent and receiving water quality. In addition, these requirements will provide information on the mechanics needed to establish compliance monitoring programs at construction sites in future permit deliberations.

i. *pH*

The chosen limits were established by calculating one standard deviation above and below the mean pH of runoff from highway construction sites¹⁰ in California. Proper implementation of BMPs should result in discharges that are within the range of 6.5 to 8.5 pH Units.

⁹ <http://www.waterboards.ca.gov/tmdl/tmdl.html>.

¹⁰ Caltrans Construction Sites Runoff Characterization Study, 2002. Available at: <http://www.dot.ca.gov/hq/env/stormwater/pdf/CTSW-RT-02-055.pdf>.

The Caltrans study included 33 highway construction sites throughout California over a period of four years, which included 120 storm events. All of these sites had BMPs in place that would be generally implemented at all types of construction sites in California.

ii. *Turbidity*

BPJ was used to develop an NAL that can be used as a learning tool to help dischargers improve their site controls, and to provide meaningful information on the effectiveness of storm water controls. A statewide turbidity NAL has been set at 250 NTU.

G. Receiving Water Limitations

Construction-related activities that cause or contribute to an exceedance of water quality standards must be addressed. The dynamic nature of construction activity gives the discharger the ability to quickly identify and monitor the source of the exceedances. This is because when storm water mobilizes sediment, it provides visual cues as to where corrective actions should take place and how effective they are once implemented.

This General Permit requires that storm water discharges and authorized non-storm water discharges must not contain pollutants that cause or contribute to an exceedance of any applicable water quality objective or water quality standards. The monitoring requirements in this General Permit for sampling and analysis procedures will help determine whether BMPs installed and maintained are preventing pollutants in discharges from the construction site that may cause or contribute to an exceedance of water quality standards.

Water quality standards consist of designated beneficial uses of surface waters and the adoption of ambient criteria necessary to protect those uses. When adopted by the State Water Board or a Regional Water Board, the ambient criteria are termed “water quality objectives.” If storm water runoff from construction sites contains pollutants, there is a risk that those pollutants could enter surface waters and cause or contribute to an exceedance of water quality standards. For that reason, dischargers should be aware of the applicable water quality standards in their receiving waters. (The best method to ensure compliance with receiving water limitations is to implement BMPs that prevent pollutants from contact with storm water or from leaving the construction site in runoff.)

In California, water quality standards are published in the Basin Plans adopted by each Regional Water Board, the California Toxics Rule (CTR), the National Toxics Rule (NTR), and the Ocean Plan.

Dischargers can determine the applicable water quality standards by contacting Regional Water Board staff or by consulting one of the following sources. The actual Basin Plans that contain the water quality standards can be viewed at the website of the appropriate Regional Water Board. (<http://www.waterboards.ca.gov/regions.html>), the State Water Board site for statewide plans (<http://www.waterboards.ca.gov/plnspols/index.html>), or the USEPA regulations for the NTR and CTR (40 C.F.R. §§ 131.36-38). Basin Plans and statewide plans are also available by mail from the appropriate Regional Water Board or the State Water Board. The USEPA regulations are available at <http://www.epa.gov/>. Additional information concerning water quality standards can be accessed through http://www.waterboards.ca.gov/stormwtr/gen_const.html.

H. Training Qualifications and Requirements

The Blue Ribbon Panel (BRP) made the following observation about the lack of industry-specific training requirements:

“Currently, there is no required training or certification program for contractors, preparers of soil erosion and sediment control Storm Water Pollution Prevention Plans, or field inspectors.”

Order 99-08-DWQ required that all dischargers train their employees on how to comply with the permit, but it did not specify a curriculum or certification program. This has resulted in inconsistent implementation by all affected parties - the dischargers, the local governments where the construction activity occurs, and the regulators required to enforce 99-08-DWQ. This General Permit requires Qualified SWPPP Developers and practitioners to obtain appropriate training, and makes this curriculum mandatory two years after adoption, to allow time for course completion. The State and Regional Water Board are working with many stakeholders to develop the curriculum and mechanisms needed to develop and deliver the courses.

To ensure that the preparation, implementation, and oversight of the SWPPP is sufficient for effective pollution prevention, the Qualified SWPPP Developer and Qualified SWPPP Practitioners responsible for creating, revising, overseeing, and implementing the SWPPP must attend a State Water Board-sponsored or approved Qualified SWPPP Developer and Qualified SWPPP Practitioner training course.

I. Sampling, Monitoring, Reporting and Record Keeping

1. Traditional Construction Monitoring Requirements

This General Permit requires visual monitoring at all sites, and effluent water quality at all Risk Level 2 & 3 sites. It requires receiving water monitoring at some Risk Level 3 sites. All sites are required to submit annual reports, which contain various types of information, depending on the site characteristics and events. A summary of the monitoring and reporting requirements is found in Table 4.

Table 4 - Required Monitoring Elements for Risk Levels

	Visual	Non-visible Pollutant	Effluent	Receiving Water
Risk Level 1			where applicable	not required
Risk Level 2			pH, turbidity	not required
Risk Level 3	three types required for all Risk Levels: non-storm water, pre-rain and post-rain	As needed for all Risk Levels (see below)	pH, turbidity	(if Receiving Water Monitoring Trigger exceeded) pH, turbidity and SSC. Bioassessment for sites 30 acres or larger.

a. Visual

All dischargers are required to conduct quarterly, non-storm water visual inspections. For these inspections, the discharger must visually observe each drainage area for the presence of (or indications of prior) unauthorized and authorized non-storm water discharges and their sources. For storm-related inspections, dischargers must visually observe storm water discharges at all discharge locations within two business days after a qualifying event. For this requirement, a qualifying rain event is one producing precipitation of ½ inch or more of discharge. Dischargers must conduct a post-storm event inspection to (1) identify whether BMPs were adequately designed, implemented, and effective, and (2) identify any additional BMPs necessary and revise the SWPPP accordingly. Dischargers must maintain on-site records of all visual observations, personnel performing the observations, observation dates, weather conditions, locations observed, and corrective actions taken in response to the observations.

b. Non-Visible Pollutant Monitoring

This General Permit requires that all dischargers develop a sampling and analysis strategy for monitoring pollutants that are not visually detectable in storm water. Monitoring for non-visible pollutants must be required at any construction site when the exposure of construction materials occurs and where a discharge can cause or contribute to an exceedance of a water quality objective.

Of significant concern for construction discharges are the pollutants found in materials used in large quantities at construction sites throughout California and exposed throughout the rainy season, such as cement, flyash, and other recycled materials or by-products of combustion. The water quality standards that apply to these materials will depend on their composition. Some of the more common storm water pollutants from construction activity are not CTR pollutants. Examples of non-visible pollutants include glyphosate (herbicides), diazinon and chlorpyrifos (pesticides), nutrients (fertilizers), and molybdenum (lubricants). The use of diazinon and chlorpyrifos is a common practice among landscaping professionals and may trigger sampling and analysis requirements if these materials come into contact with storm water. High pH values from cement and gypsum, high pH and SSC from wash waters, and chemical/fecal contamination from portable toilets, also are not CTR pollutants. Although some of these constituents do have numeric water quality objectives in individual Basin Plans, many do not and are subject only to narrative water quality standards (i.e. not causing toxicity). Dischargers are encouraged to discuss these issues with Regional Water Board staff and other storm water quality professionals.

The most effective way to avoid the sampling and analysis requirements, and to ensure permit compliance, is to avoid the exposure of construction materials to precipitation and storm water runoff. Materials that are not exposed do not have the potential to enter storm water runoff, and therefore receiving waters sampling is not required. Preventing contact between storm water and construction materials is one of the most important BMPs at any construction site.

Preventing or eliminating the exposure of pollutants at construction sites is not always possible. Some materials, such as soil amendments, are designed to be used in a manner that will result in exposure to storm water. In these cases, it is important to make sure that these materials are applied according to the manufacturer's instructions and at a time when they are unlikely to be washed away. Other construction materials can be exposed when storage, waste disposal or the application of the material is done in a manner not protective of water quality. For these situations, sampling is required unless there is capture and containment of all storm water that has been exposed. In cases where construction materials may be exposed to storm water, but the storm water is contained and is not allowed to run off the site, sampling will only be required when inspections show that the containment failed or is breached, resulting in potential exposure or discharge to receiving waters.

The discharger must develop a list of potential pollutants based on a review of potential sources, which will include construction materials soil amendments, soil treatments, and historic contamination at the site. The discharger must review existing environmental and real estate documentation to determine the potential for pollutants that could be present on the construction site as a result of past land use activities.

Good sources of information on previously existing pollution and past land uses include:

- i. Environmental Assessments;
- ii. Initial Studies;
- iii. Phase 1 Assessments prepared for property transfers; and
- iv. Environmental Impact Reports or Environmental Impact Statements prepared under the requirements of the National Environmental Policy Act or the California Environmental Quality Act.

In some instances, the results of soil chemical analyses may be available and can provide additional information on potential contamination.

The potential pollutant list must include all non-visible pollutants that are known or should be known to occur on the construction site including, but not limited to, materials that:

- i. are being used in construction activities;
- ii. are stored on the construction site;
- iii. were spilled during construction operations and not cleaned up;
- iv. were stored (or used) in a manner that created the potential for a release of the materials during past land use activities;
- v. were spilled during previous land use activities and not cleaned up; or
- vi. were applied to the soil as part of past land use activities.

C. Effluent Monitoring

Federal regulations¹¹ require effluent monitoring for discharges subject to NALs. Subsequently, all Risk Level 2 and 3 dischargers must perform sampling and analysis of effluent discharges to characterize discharges associated with construction activity from the entire area disturbed by the project. Dischargers must collect samples of stored or contained storm water that is discharged subsequent to a storm event producing precipitation of ½ inch or more at the time of discharge.

Table 5 - Storm Water Effluent Monitoring Requirements by Risk Level

	Frequency	Effluent Monitoring (Section E, below)
Risk Level 1	when applicable	non-visible pollutant parameters (if applicable)
Risk Level 2	Minimum of 3 samples per day during qualifying rain event characterizing discharges associated with construction activity from the entire project disturbed area.	pH, turbidity, and non-visible pollutant parameters (if applicable)
Risk Level 3	Minimum of 3 samples per day during qualifying rain event characterizing discharges associated with construction activity from the entire project disturbed area.	pH, turbidity, and non-visible pollutant parameters if applicable

Risk Level 1 dischargers must analyze samples for:

- i. any parameters indicating the presence of pollutants identified in the pollutant source assessment required in Attachment C contained in the General Permit.

¹¹ 40 C.F.R. § 122.44.

Risk Level 2 dischargers must analyze samples for:

- i. pH and turbidity;
- ii. any parameters indicating the presence of pollutants identified in the pollutant source assessment required in Attachment D contained in the General Permit, and
- iii. any additional parameters for which monitoring is required by the Regional Water Board.

Risk Level 3 dischargers must analyze samples for:

- i. pH, turbidity;
- ii. any parameters indicating the presence of pollutants identified in the pollutant source assessment required in Attachment E contained in the General Permit, and
- iii. any additional parameters for which monitoring is required by the Regional Water Board.

2. Linear Monitoring and Sampling Requirements

Attachment A, establishes minimum monitoring and reporting requirements for all LUPs. It establishes different monitoring requirements depending on project complexity and risk to water quality. The monitoring requirements for Type 1 LUPs are less than Type 2 & 3 projects because Type 1 projects have a lower potential to impact water quality.

A discharger shall prepare a monitoring program prior to the start of construction and immediately implement the program at the start of construction for LUPs. The monitoring program must be implemented at the appropriate level to protect water quality at all times throughout the life of the project.

a. Type 1 LUP Monitoring Requirements

A discharger must conduct daily visual inspections of Type 1 LUPs during working hours while construction activities are occurring. Inspections are to be conducted by qualified personnel and can be conducted in conjunction with other daily activities. Inspections will be conducted to ensure the BMPs are adequate, maintained, and in place at the end of the construction day. The discharger will revise the SWPPP, as appropriate, based on the results of the daily inspections. Inspections can be discontinued in non-active construction areas where soil disturbing activities have been completed and final stabilization has been achieved (e.g., trench has been paved, substructures have been installed, and successful final vegetative cover or other stabilization criteria have been met).

A discharger shall implement the monitoring program for inspecting Type 1 LUPs. This program requires temporary and permanent stabilization BMPs after active construction is completed. Inspection activities will continue until adequate permanent stabilization has been established and will continue in areas where re-vegetation is chosen until minimum vegetative coverage has been established. Photographs shall be taken during site inspections and submitted to the State Water Board.

b. Type 2 & 3 LUP Monitoring Requirements

A discharger must conduct daily visual inspections of Type 2 & 3 LUPs during working hours while construction activities are occurring. Inspections are to be conducted by qualified personnel and can be in conjunction with other daily activities.

All dischargers of Type 2 & 3 LUPs are required to conduct inspections by qualified personnel of the construction site during normal working hours prior to all anticipated storm events and after actual storm events. During extended storm events, the discharger shall conduct inspections during normal working hours for each 24-hour period. Inspections can be discontinued in non-active construction areas where soil disturbing activities have been completed and final stabilization has been achieved (e.g., trench has been paved, substructures installed, and successful vegetative cover or other stabilization criteria have been met).

The goals of these inspections are (1) to identify areas contributing to a storm water discharge; (2) to evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly installed and functioning in accordance with the terms of the General Permit; and (3) to determine whether additional control practices or corrective maintenance activities are needed. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs shall be performed as soon as possible, depending upon worker safety.

All dischargers shall develop and implement a monitoring program for inspecting Type 2 & 3 LUPs that require temporary and permanent stabilization BMPs after active construction is completed. Inspections will be conducted to ensure the BMPs are adequate and maintained. Inspection activities will continue until adequate permanent stabilization has been established and will continue in areas where revegetation is chosen until minimum vegetative coverage has been established.

A log of inspections conducted before, during, and after the storm events must be maintained in the SWPPP. The log will provide the date and time of the inspection and who conducted the inspection. Photographs must be taken during site inspections and submitted to the State Water Board.

C. Sampling Requirements for all LUP Project Types

LUPs are also subject to sampling and analysis requirements for visible pollutants (i.e., sedimentation/siltation, turbidity) and for non-visible pollutants.

Sampling for visible pollutants is required for Type 2 & 3 LUPs.

Non-visible pollutant monitoring is required for pollutants associated with construction sites and activities that (1) are not visually detectable in storm water discharges, and (2) are known or should be known to occur on the construction site, and (3) could cause or contribute to an exceedance of water quality objectives in the receiving waters. Sample collection for non-visible pollutants must only be required (1) during a storm event when pollutants associated with construction activities may be discharged with storm water runoff due to a spill, or in the event there was a breach, malfunction, failure, and/or leak of any BMP, and (2) when the discharger has failed to adequately clean the area of material and pollutants. Failure to implement appropriate BMPs will trigger the same sampling requirements as those required for a breach, malfunction and/or leak, or when the discharger has failed to implement appropriate BMPs prior to the next storm event.

Additional monitoring parameters may be required by the Regional Water Boards.

It is not anticipated that many LUPs will be required to collect samples for pollutants not visually detected in runoff due to the nature and character of the construction site and activities as previously described in this fact sheet. Most LUPs are constructed in urban areas with public access (e.g., existing roadways, road shoulders, parking areas, etc.). This raises a concern regarding the potential contribution of pollutants from vehicle use and/or from normal activities of the public (e.g., vehicle washing, landscape fertilization, pest spraying, etc.) in runoff from the project site. Since the dischargers are not the land owners of the project area and are not able to control the presence of these pollutants in the storm water that runs through their projects, it is not the intent of this General Permit to require dischargers to sample for these pollutants. This General Permit does not require the discharger to sample for these types of pollutants except where the discharger has brought materials onsite that contain these pollutants and when a condition (e.g., breach, failure, etc.) described above occurs.

3. Receiving Water Monitoring

In order to ensure that receiving water limitations are met, discharges subject to receiving water monitoring triggers (i.e., Risk Level 3 and LUP Type 3 sites) or numeric effluent limitations (i.e., Risk Level 3 and LUP Type 3 sites utilizing ATS with direct discharges into receiving waters) must also monitor the downstream receiving water(s) for turbidity, SSC, and pH (if applicable) when a receiving water monitoring trigger or NEL is exceeded.

a. Bioassessment Monitoring

This General Permit requires a bioassessment of receiving waters for dischargers of Risk Level 3 or LUP Type 3 construction projects equal to or larger than 30 acres with direct discharges into receiving waters. Benthic macroinvertebrate samples will be taken upstream and downstream of the site's discharge point in the receiving water. Bioassessments measure the quality of the stream by analyzing the aquatic life present. Higher levels of appropriate aquatic species tend to indicate a healthy stream; whereas low levels of organisms can indicate stream degradation. Active construction sites have the potential to discharge large amounts of sediment and pollutants into receiving waters. Requiring a bioassessment for large project sites, with the most potential to impact water quality, provides a snapshot of the health of the receiving water prior to initiation of construction activities. This snapshot can be used in comparison to the health of the receiving water after construction has commenced.

Each ecoregion (biologically and geographically related area) in the State has a specific yearly peak time where stream biota is in a stable and abundant state. This time of year is called an Index Period. The bioassessment requirements in this General Permit, requires benthic macroinvertebrate sampling within a sites index period. The State Water Board has developed a map designating index periods for the ecoregions in the State (see State Water Board Website).

This General Permit requires the bioassessment methods to be in accordance with the Surface Water Ambient Monitoring Program (SWAMP) in order to provide data consistency within the state as well as generate useable biological stream data.

Table 6 - Receiving Water Monitoring Requirements

	Receiving Water Monitoring Parameters
Risk Level 1 /LUP Type 1	not required
Risk Level 2 / LUP Type 2	not required
Risk Level 3 / LUP Type 3	If Receiving Water Monitoring Trigger exceeded: pH (if applicable), turbidity, and SSC. Bioassessment for sites 30 acres or larger.

4. Reporting Requirements

a. NAL Exceedance Report

All Risk Level 3 and LUP Type 3 dischargers must electronically submit all storm event sampling results to the State And Regional Boards, via the electronic data system, no later than 10 days after the conclusion of the storm event.

b. Annual Report

All dischargers must prepare and electronically submit an annual report no later than September 1 of each year using the Storm water Multi-Application Reporting and Tracking System (SMARTS). The

Annual Report must include a summary and evaluation of all sampling and analysis results, original laboratory reports, chain of custody forms, a summary of all corrective actions taken during the compliance year, and identification of any compliance activities or corrective actions that were not implemented.

5. Record Keeping

According to 40 C.F.R. Parts 122.21(p) and 122.41(j), the discharger is required to retain paper or electronic copies of all records required by this General Permit for a period of at least three years from the date generated or the date submitted to the State Water Board or Regional Water Boards. A discharger must retain records for a period beyond three years as directed by Regional Water Board.

J. Risk Determination

1. Traditional Projects

a. Overall Risk Determination

There are two major requirements related to site planning and risk determination in this General Permit. The project's overall risk is broken up into two elements – (1) project sediment risk (the relative amount of sediment that can be discharged, given the project and location details) and (2) receiving water risk (the risk sediment discharges pose to the receiving waters).

Project Sediment Risk:

Project Sediment Risk is determined by multiplying the R, K, and LS factors from the Revised Universal Soil Loss Equation (RUSLE) to obtain an estimate of project-related bare ground soil loss expressed in tons/acre. The RUSLE equation is as follows:

$$A = (R)(K)(LS)(C)(P)$$

Where: A = the rate of sheet and rill erosion

R = rainfall-runoff erosivity factor

K = soil erodibility factor

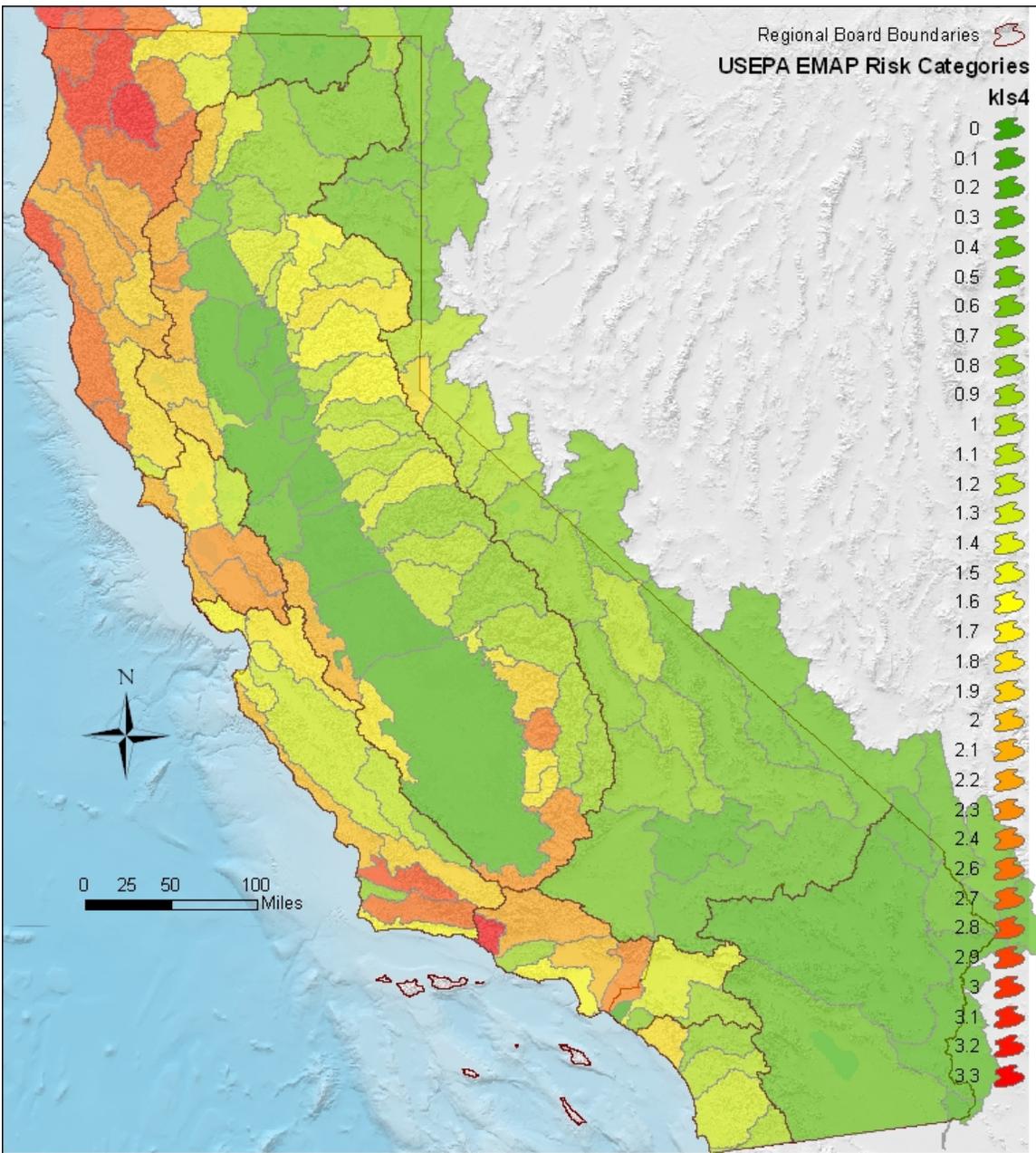
LS = length-slope factor

C = cover factor (erosion controls)

P = management operations and support practices (sediment controls)

The C and P factors are given values of 1.0 to simulate bare ground conditions.

There is a map option and a manual calculation option for determining soil loss. For the map option, the R factor for the project is calculated using the online calculator at <http://cfpub.epa.gov/npdes/stormwater/LEW/lewCalculator.cfm>. The product of K and LS are shown on Figure 1. To determine soil loss in tons per acre, the discharger multiplies the R factor times the value for K times LS from the map.



State Water Resources Control Board, January 15, 2008

Figure 1 -Statewide Map of K * LS

For the manual calculation option, the R factor for the project is calculated using the online calculator at <http://cfpub.epa.gov/npdes/stormwater/LEW/lewCalculator.cfm>. The K and LS factors are determined using Appendix 1.

Soil loss of less than 15 tons/acre is considered **low** sediment risk.
 Soil loss between 15 and 75 tons/acre is **medium** sediment risk.
 Soil loss over 75 tons/acre is considered **high** sediment risk.

The soil loss values and risk categories were obtained from mean and standard deviation RKLS values from the USEPA EMAP program. High risk is the mean RKLS value plus two standard deviations. Low risk is the mean RKLS value minus two standard deviations.

Receiving Water Risk:

Receiving water risk is based on whether a project drains to a sediment-sensitive waterbody. A sediment-sensitive waterbody is either

- on the most recent 303d list for waterbodies impaired for sediment;
- has a USEPA-approved Total Maximum Daily Load implementation plan for sediment; **or**
- has the beneficial uses of COLD, SPAWN, and MIGRATORY.

A project that meets at least one of the three criteria has a high receiving water risk. A list of sediment-sensitive waterbodies will be posted on the State Water Board’s website. It is anticipated that an interactive map of sediment sensitive water bodies in California will be available in the future.

The Risk Levels have been altered by eliminating the possibility of a Risk Level 4, and expanding the constraints for Risk Levels 1, 2, and 3. Therefore, projects with high receiving water risk and high sediment risk will be considered a Risk Level 3 risk to water quality.

In response to public comments, the Risk Level requirements have also been changed such that Risk Level 1 projects will be subject to minimum BMP and visual monitoring requirements, Risk Level 2 projects will be subject to NALs and some additional monitoring requirements, and Risk Level 3 projects will be subject to NALs, and more rigorous monitoring requirements such as receiving water monitoring and in some cases bioassessment.

Table 7 - Combined Risk Level Matrix

Combined Risk Level Matrix			
Receiving Water Risk		Sediment Risk	
		Low	Medium
	Low	Level 1	Level 2
High	Level 2		Level 3

b. Effluent Standards

All dischargers are subject to the narrative effluent limitations specified in the General Permit. The narrative effluent limitations require storm water discharges associated with construction activity to meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize BAT and BCT to reduce pollutants and any more stringent controls necessary to meet water quality standards.

Risk Level 2 dischargers that pose a medium risk to water quality are subject to technology-based NALs for pH and turbidity. Risk Level 3 dischargers that pose a high risk to water quality are also subject to technology-based NALs for pH and turbidity.

c. Good Housekeeping

Proper handling and managing of construction materials can help minimize threats to water quality. The discharger must consider good housekeeping measures for: construction materials, waste management, vehicle storage & maintenance, landscape materials, and potential pollutant sources. Examples include; conducting an inventory of products used, implementing proper storage & containment, and properly cleaning all leaks from equipment and vehicles.

d. Non-Storm Water Management

Non-storm water discharges directly connected to receiving waters or the storm drain system have the potential to negatively impact water quality. The discharger must implement measures to control all non-storm water discharges during construction, and from dewatering activities associated with construction. Examples include; properly washing vehicles in contained areas, cleaning streets, and minimizing irrigation runoff.

e. Erosion Control

The best way to minimize the risk of creating erosion and sedimentation problems during construction is to disturb as little of the land surface as possible by fitting the development to the terrain. When development is tailored to the natural contours of the land, little grading is necessary and, consequently, erosion potential is lower.¹⁴ Other effective erosion control measures include: preserving existing vegetation where feasible, limiting disturbance, and stabilizing and re-vegetating disturbed areas as soon as possible after grading or construction activities. Particular attention must be paid to large, mass-graded sites where the potential for soil exposure to the erosive effects of rainfall and wind is great and where there is potential for significant sediment discharge from the site to surface waters. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single most important factor in reducing erosion at construction sites. The discharger is required to consider measures such as: covering disturbed areas with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, and permanent seeding. These erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. Erosion control BMPs should be the primary means of preventing storm water contamination, and sediment control techniques should be used to capture any soil that becomes eroded.¹²

Risk Level 3 dischargers pose a higher risk to water quality and are therefore additionally required to ensure that post-construction soil loss is equivalent to or less than the pre-construction levels.

f. Sediment Control

Sediment control BMPs should be the secondary means of preventing storm water contamination. When erosion control techniques are ineffective, sediment control techniques should be used to capture any soil that becomes eroded. The discharger is required to consider perimeter control measures such as: installing silt fences or placing straw wattles below slopes. These sediment control measures are only

¹² U.S. Environmental Protection Agency. 2007. Developing Your Storm Water Pollution Prevention Plan: A Guide for Construction Sites.

examples of what should be considered and should not preclude new or innovative approaches currently available or being developed.

Because Risk Level 2 and 3 dischargers pose a higher risk to water quality, additional requirements for the application of sediment controls are imposed on these projects. This General Permit also authorizes the Regional Water Boards to require Risk Level 3 dischargers to implement additional site-specific sediment control requirements if the implementation of other erosion or sediment controls are not adequately protecting the receiving waters.

g. Run-on and Runoff Control

Inappropriate management of run-on and runoff can result in excessive physical impacts to receiving waters from sediment and increased flows. The discharger is required to manage all run-on and runoff from a project site. Examples include: installing berms and other temporary run-on and runoff diversions.

Risk Level 1 dischargers with lower risks to impact water quality are not subject to the run-on and runoff control requirements unless an evaluation deems them necessary or visual inspections show that such controls are required.

h. Inspection, Maintenance and Repair

All measures must be periodically inspected, maintained and repaired to ensure that receiving water quality is protected. Frequent inspections coupled with thorough documentation and timely repair is necessary to ensure that all measures are functioning as intended.

i. Rain Event Action Plan (REAP)

A Rain Event Action Plan (REAP) is a written document, specific for each rain event. A REAP should be designed that when implemented it protects all exposed portions of the site within 48 hours of any likely precipitation event forecast of 50% or greater probability.

This General Permit requires Risk Level 2 and 3 dischargers to develop and implement a REAP designed to protect all exposed portions of their sites within 48 hours prior to any likely precipitation event. The REAP requirement is designed to ensure that the discharger has adequate materials, staff, and time to implement erosion and sediment control measures that are intended to reduce the amount of sediment and other pollutants generated from the active site. A REAP must be developed when there is likely a forecast of 50% or greater probability of precipitation in the project area. (The National Oceanic and Atmospheric Administration (NOAA) defines a chance of precipitation as a probability of precipitation of 30% to 50% chance of producing precipitation in the project area.¹³ NOAA defines the probability of precipitation (PoP) as the likelihood of occurrence (expressed as a percent) of a measurable amount (0.01 inch or more) of liquid precipitation (or the water equivalent of frozen precipitation) during a specified period of time at any given point in the forecast area.) Forecasts are normally issued for 12-hour time periods. Descriptive terms for uncertainty and aerial coverage are used as follows:

Table 8 -National Oceanic and Atmospheric Administration (NOAA) Definition of Probability of Precipitation (PoP)

¹³ <http://www.crh.noaa.gov/lot/severe/wxterms.php>.

PoP	Expressions of Uncertainty	Aerial Coverage
0%	none used	none used
10%	none used	isolated
20%	slight chance	isolated
30-50%	chance	scattered
60-70%	likely	numerous
80-100%	none used	none used

The discharger must obtain the precipitation forecast information from the National Weather Service Forecast Office (<http://www.srh.noaa.gov/>).

2. Linear Projects

a. Linear Risk Determination

LUPs vary in complexity and water quality concerns based on the type of project. This General Permit has varying application requirements based on the project's risk to water quality. Factors that lead to the characterization of the project include location, sediment risk, and receiving water risk.

Based on the location and complexity of a project area or project section area, LUPs are separated into project types. As described below, LUPs have been categorized into three project types.

i. *Type 1 LUPs*

Type 1 LUPs are those construction projects where:

- (1) 70 percent or more of the construction activity occurs on a paved surface and where areas disturbed during construction will be returned to preconstruction conditions or equivalent protection established at the end of the construction activities for the day, or
- (2) greater than 30 percent of construction activities occur within the non-paved shoulders or land immediately adjacent to paved surfaces, or where construction occurs on unpaved improved roads, including their shoulders or land immediately adjacent to them where:

Areas disturbed during construction will be returned to pre-construction conditions or equivalent protection established at the end of the construction activities for the day to minimize the potential for erosion and sediment deposition, and

Areas where established vegetation was disturbed during construction will be stabilized and re-vegetated by the end of project. When required, adequate temporary stabilization Best Management Practices (BMPs) will be installed and maintained until vegetation is established to meet minimum cover requirements established in this General Permit for final stabilization.

Type 1 LUPs typically do not have a high potential to impact storm water quality because (1) these construction activities are not typically conducted during a rain event, (2) these projects are normally constructed over a short period of time¹⁴, minimizing the duration that pollutants could potentially be exposed to rainfall; and (3) disturbed soils such as those from trench excavation are required to be hauled away, backfilled into the trench, and/or covered (e.g., metal plates, pavement, plastic covers over spoil piles) at the end of the construction day.

Type 1 LUPs are determined during the risk assessment found in Attachment A.1 to be 1) low sediment risk and low receiving water risk; 2) low sediment risk and medium receiving water risk; and 3) medium sediment risk and low receiving water risk.

This General Permit requires the discharger to ensure a SWPPP is developed for these construction activities that is specific to project type, location and characteristics.

ii. Type 2 LUPs:

Type 2 projects are determined to have a combination of High, Medium, and Low project sediment risk along with High, Medium, and Low receiving water risk. Like Type 1 projects, Type 2 projects are typically constructed over a short period of time. However, these projects have a higher potential to impact water quality because they:

- (1) typically occur outside the more urban/developed areas;
- (2) have larger areas of soil disturbance that are not closed or restored at the end of the day;
- (3) may have onsite stockpiles of soil, spoil and other materials;
- (4) cross or occur in close proximity to a wide variety of sensitive resources that may include, but are not limited to, steep topography and/or water bodies; and
- (5) have larger areas of disturbed soils that may be exposed for a longer time interval before final stabilization, cleanup and/or reclamation occurs.

This General Permit requires the discharger to develop and implement a SWPPP for these construction activities that are specific for project type, location and characteristics.

iii. Type 3 LUPs:

¹⁴ Short period of time refers to a project duration of weeks to months, but typically less than one year in duration.

Type 3 projects are determined to have a combination of High and Medium project sediment risk along with High and Medium receiving water risk. Similar to Type 2 projects, Type 3 projects have a higher potential to impact water quality because they:

- (1) typically occur outside of the more urban/developed areas;
- (2) have larger areas of soil disturbance that are not closed or restored at the end of the day;
- (3) may have onsite stockpiles of soil, spoil and other materials;
- (4) cross or occur in close proximity to a wide variety of sensitive resources that may include, but are not limited to, steep topography and/or water bodies; and
- (5) have larger areas of disturbed soils that may be exposed for a longer time interval before final stabilization, cleanup and/or reclamation occurs.

This General Permit requires the discharger to develop and implement a SWPPP for these construction activities that are specific for project type, location, and characteristics.

b. Linear Effluent Standards

All LUPs are subject to the narrative effluent limitations specified in the General Permit.

Type 2 and Type 3 projects are subject to technology-based NALs for pH and turbidity.

c. Linear Good Housekeeping

Improper use and handling of construction materials could potentially cause a threat to water quality. In order to ensure proper site management of these construction materials, all LUP dischargers must comply with a minimum set of Good Housekeeping measures specified in Attachment A of this General Permit.

d. Linear Non-Storm Water Management

In order to ensure control of all non-storm water discharges during construction, all LUP dischargers must comply with the Non-Storm Water Management measures specified in Attachment A of this General Permit.

e. Linear Erosion Control

This General Permit requires all LUP dischargers to implement effective wind erosion control measures, and soil cover for inactive areas. Type 3 LUPs posing a higher risk to water quality are additionally required to ensure the post-construction soil loss is equivalent to or less than the pre-construction levels.

f. Linear Sediment Control

In order to ensure control and containment of all sediment discharges, all LUP dischargers must comply with the general Sediment Control measures specified in Attachment A or this General Permit. Additional requirements for sediment controls are imposed on Type 2 & 3 LUPs due to their higher risk to water quality.

g. Linear Run-on and Runoff Control

Discharges originating outside of a project's perimeter and flowing onto the property can adversely affect the quantity and quality of discharges originating from a project site. In order to ensure proper management of run-on and runoff, all LUPs must comply with the run-on and runoff control measures specified in Attachment A of this General Permit. Due to the lower risk of impacting water quality, Type 1 LUPs are not required to implement run-on and runoff controls unless deemed necessary by the discharger.

h. Linear Inspection, Maintenance and Repair

Proper inspection, maintenance, and repair activities are important to ensure the effectiveness of on-site measures to control water quality. In order to ensure that inspection, maintenance, and repair activities are adequately performed, the all LUP dischargers are required to comply with the Inspection, Maintenance, and Repair requirements specified in Attachment A of this General Permit.

K. ATS¹⁵ Requirements

There are instances on construction sites where traditional erosion and sediment controls do not effectively control accelerated erosion. Under such circumstances, or under circumstances where storm water discharges leaving the site may cause or contribute to an exceedance of a water quality standard, the use of an Active Treatment System (ATS) may be necessary. Additionally, it may be appropriate to use an ATS when site constraints inhibit the ability to construct a correctly sized sediment basin, when clay and/or highly erosive soils are present, or when the site has very steep or long slope lengths.¹⁶

Although treatment systems have been in use in some form since the mid-1990s, the ATS industry in California is relatively young, and detailed regulatory standards have not yet been developed. Many developers are using these systems to treat storm water discharges from their construction sites. The new ATS requirements set forth in this General Permit are based on those in place for small wastewater treatment systems, ATS regulations from the Central Valley Regional Water Quality Control Board (September 2005 memorandum "2005/2006 Rainy Season – Monitoring Requirements for Storm Water Treatment Systems that Utilize Chemical Additives to Enhance Sedimentation"), the Construction Storm Water Program at the State of Washington's Department of Ecology, as well as recent advances in technology and knowledge of coagulant performance and aquatic safety.

The effective design of an ATS requires a detailed survey and analysis of site conditions. With proper planning, ATS performance can provide exceptional water quality discharge and prevent significant impacts to surface water quality, even under extreme environmental conditions.

These systems can be very effective in reducing the sediment in storm water runoff, but the systems that use additives/polymers to enhance sedimentation also pose a potential risk to water quality (e.g., operational failure, equipment failure, additive/polymer release, etc.). The State Water Board is concerned about the potential acute and chronic impacts that the polymers and other chemical additives may have on fish and aquatic organisms if released in sufficient quantities or concentrations. In addition

¹⁵ An ATS is a treatment system that employs chemical coagulation, chemical flocculation, or electrocoagulation in order to reduce turbidity caused by fine suspended sediment.

¹⁶ Pitt, R., S. Clark, and D. Lake. 2006. Construction Site Erosion and Sediment Controls: Planning, Design, and Performance. DEStech Publications. Lancaster, PA. 370pp.

to anecdotal evidence of polymer releases causing aquatic toxicity in California, the literature supports this concern.¹⁷ For example, cationic polymers have been shown to bind with the negatively charged gills of fish, resulting in mechanical suffocation.¹⁸ Due to the potential toxicity impacts, which may be caused by the release of additives/polymers into receiving waters, this General Permit establishes residual polymer monitoring and toxicity testing requirements have been established in this General Permit for discharges from construction sites that utilize an ATS in order to protect receiving water quality and beneficial uses.

The primary treatment process in an ATS is coagulation/flocculation. ATS's operate on the principle that the added coagulant is bound to suspended sediment, forming floc, which is gravitationally settled in tanks or a basin, or removed by sand filters. A typical installation utilizes an injection pump upstream from the clarifier tank, basin, or sand filters, which is electronically metered to both flow rate and suspended solids level of the influent, assuring a constant dose. The coagulant mixes and reacts with the influent, forming a dense floc. The floc may be removed by gravitational setting in a clarifier tank or basin, or by filtration. Water from the clarifier tank, basin, or sand filters may be routed through cartridge(s) and/or bag filters for final polishing. Vendor-specific systems use various methods of dose control, sediment/floc removal, filtration, etc., that are detailed in project-specific documentation. The particular coagulant/flocculant to be used for a given project is determined based on the water chemistry of the site because the coagulants are specific in their reactions with various types of sediments. Appropriate selection of dosage must be carefully matched to the characteristics of each site.

ATS's are operated in two differing modes, either Batch or Flow-Through. Batch treatment can be defined as Pump-Treat-Hold-Test-Release. In Batch treatment, water is held in a basin or tank, and is not discharged until treatment is complete. Batch treatment involves holding or recirculating the treated water in a holding basin or tank(s) until treatment is complete or the basin or storage tank(s) is full. In Flow-Through treatment, water is pumped into the ATS directly from the runoff collection system or storm water holding pond, where it is treated and filtered as it flows through the system, and is then directly discharged. "Flow-Through Treatment" is also referred to as "Continuous Treatment."

1. Effluent Standards

This General Permit establishes NELs for discharges from construction sites that utilize an ATS. These systems lend themselves to NELs for turbidity and pH because of their known reliable treatment. Advanced systems have been in use in some form since the mid-1990s. An ATS is considered reliable, can consistently produce a discharge of less than 10 NTU, and has been used successfully at many sites in several states since 1995 to reduce turbidity to very low levels.¹⁹

This General Permit contains "compliance storm event" exceptions from the technology-based NELs for ATS discharges. The rationale is that technology-based requirements are developed assuming a certain design storm. In the case of ATS the industry-standard design storm is 10-year, 24-hour (as stated in

¹⁷ Romøen, K., B. Thu, and Ø. Evensen. 2002. Immersion delivery of plasmid DNA II. A study of the potentials of a chitosan based delivery system in rainbow trout (*Oncorhynchus mykiss*) fry. *Journal of Controlled Release* **85**: 215-225.

¹⁸ Bullock, G., V. Blazer, S. Tsukuda, and S. Summerfelt. 2000. Toxicity of acidified chitosan for cultured rainbow trout (*Oncorhynchus mykiss*). *Aquaculture* **185**:273-280.

¹⁹ Currier, B., G. Minton, R. Pitt, L. Roesner, K. Schiff, M. Stenstrom, E. Strassler, and E. Strecker. 2006. The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities.

Attachment F of this General Permit), so the compliance storm event has been established as the 10-year 24-hour event as well to provide consistency.

2. Training

Operator training is critical to the safe and efficient operation and maintenance of the ATS, and to ensure that all State Water Board monitoring and sampling requirements are met. The General Permit requires that all ATS operators have training specific to using ATS's liquid coagulants.

L. Post-Construction Requirements

Under past practices, new and redevelopment construction activities have resulted in modified natural watershed and stream processes. This is caused by altering the terrain, modifying the vegetation and soil characteristics, introducing impervious surfaces such as pavement and buildings, increasing drainage density through pipes and channels, and altering the condition of stream channels through straightening, deepening, and armoring. These changes result in a drainage system where sediment transport capacity is increased and sediment supply is decreased. A receiving channel's response is dependent on dominant channel materials and its stage of adjustment.

Construction activity can lead to impairment of beneficial uses in two main ways. First, during the actual construction process, storm water discharges can negatively affect the chemical, biological, and physical properties of downstream receiving waters. Due to the disturbance of the landscape, the most likely pollutant is sediment, however pH and other non-visible pollutants are also of great concern. Second, after most construction activities are completed at a construction site, the finished project may result in significant modification of the site's response to precipitation. New development and redevelopment projects have almost always resulted in permanent post-construction water quality impacts because more precipitation ends up as runoff and less precipitation is intercepted, evapotranspired, and infiltrated.

General Permit 99-08-DWQ required the SWPPP to include a description of all post-construction BMPs on a site and a maintenance schedule. An effective storm water management strategy must address the full suite of storm events (water quality, channel protection, overbank flood protection, extreme flood protection) (Figure 2).

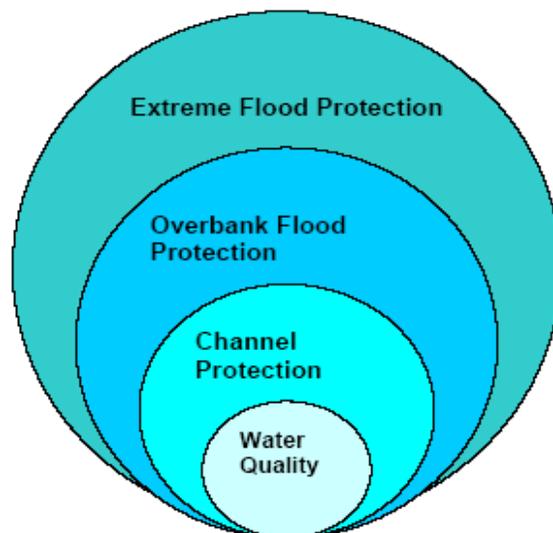


Figure 2 - Suite of Storm Events

The post-construction storm water performance standards in this General Permit specifically address water quality and channel protection events. Overbank flood protection and extreme flood protection events are traditionally dealt with in local drainage and flood protection ordinances. However, measures in this General Permit to address water quality and channel protection also reduce overbank and extreme flooding impacts. This General Permit aims to match post-construction runoff to pre-construction runoff for the 85th percentile storm event, which not only reduces the risk of impact to the receiving water's channel morphology but also provides some protection of water quality.

This General Permit clarifies that its runoff reduction requirements only apply to projects that lie outside of jurisdictions covered by a Standard Urban Storm water Management Plan (SUSMP) (or other more protective) post-construction requirements in either Phase I or Phase II permits.

Figures 3 and 4, below, show the General Permit enrollees (to Order 99-08-DWQ, as of March 10, 2008) overlaid upon a map with SUSMP (or more protective) areas in blue and purple. Areas without blue or purple indicate where the General Permit's runoff reduction requirements would actually apply.

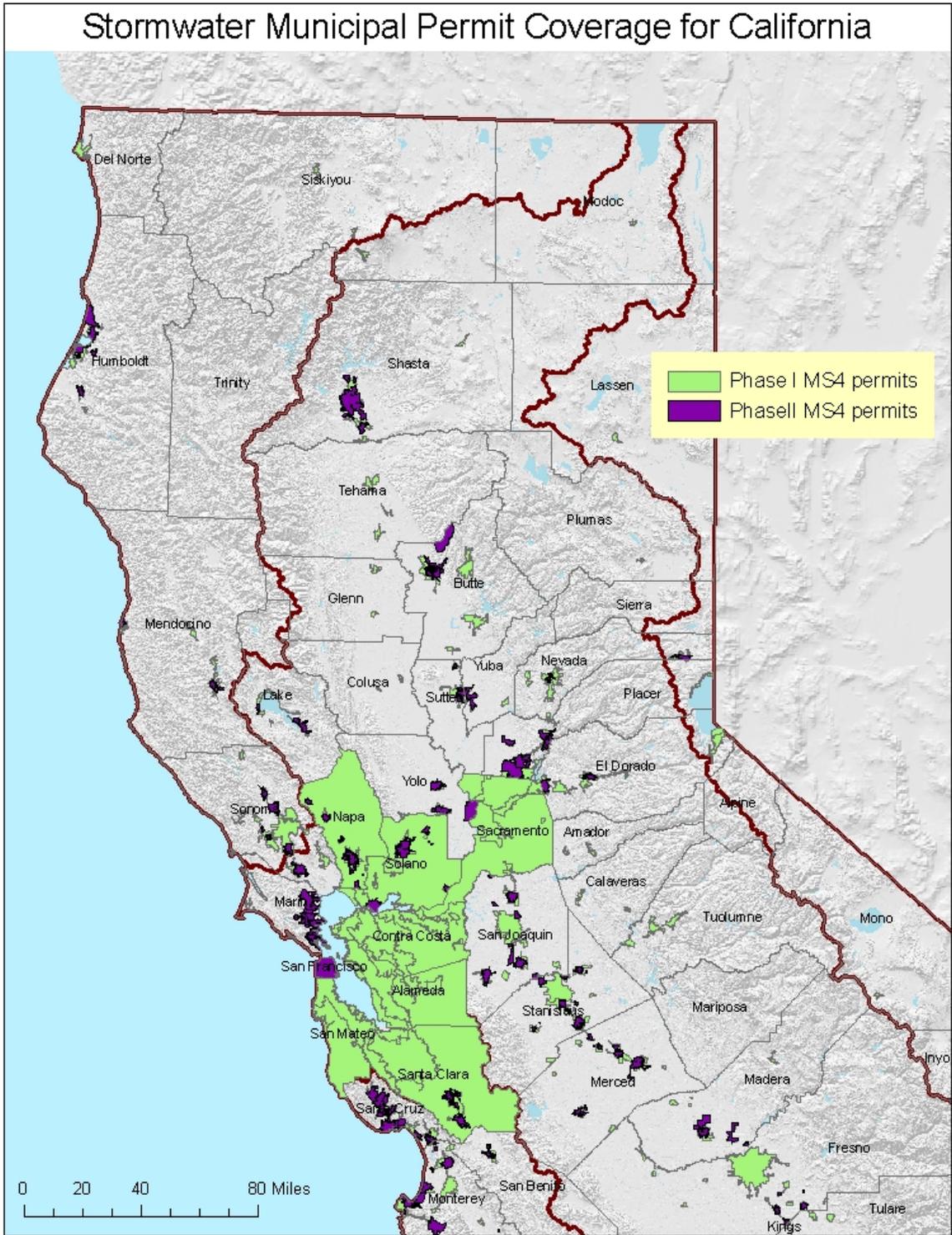
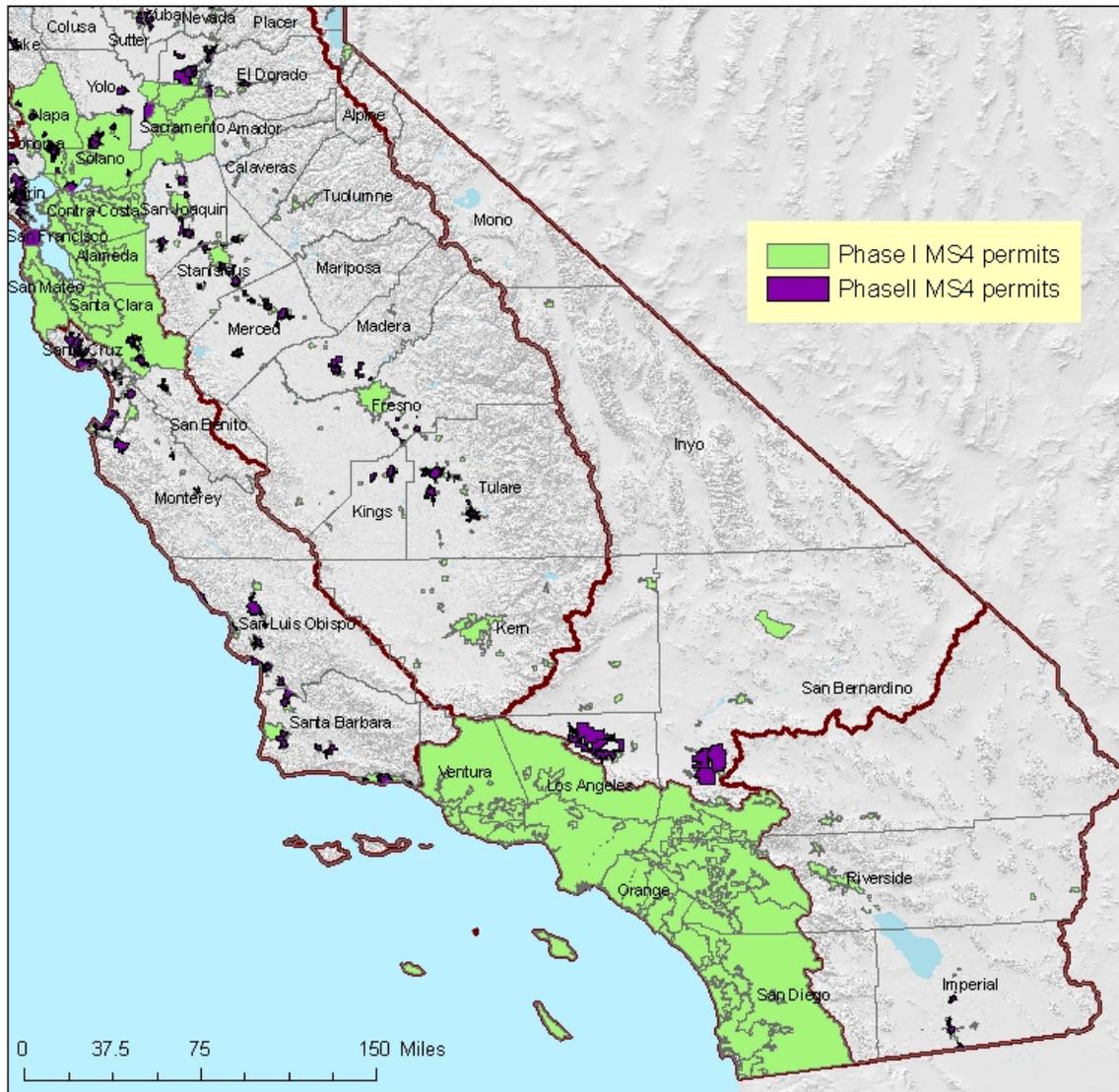


Figure 3 - Northern CA (2009) Counties / Cities With SUSMP-Plus Coverage



Stormwater Municipal Permit Coverage for California

Figure 4 - Southern CA (2009) Counties / Cities With SUSMP-Plus Coverage

Water Quality:

This General Permit requires dischargers to replicate the pre-project runoff water balance (defined as the amount of rainfall that ends up as runoff) for the smallest storms up to the 85th percentile storm event, or the smallest storm event that generates runoff, whichever is larger. Contemporary storm water management generally routes these flows directly to the drainage system, increasing pollutant loads and potentially causing adverse effects on receiving waters. These smaller water quality events happen much more frequently than larger events and generate much higher pollutant loads on an annual basis. There are other adverse hydrological impacts that result from not designing according to the site's pre-construction water balance. In Maryland, Klein²⁰ noted that baseflow decreases as the extent of urbanization increases. Ferguson and Suckling²¹ noted a similar relation in watersheds in Georgia. On Long Island, Spinello and Simmons²² noted substantial decreases in base flow in intensely urbanized watersheds.

The permit emphasizes runoff reduction through on-site storm water reuse, interception, evapotranspiration and infiltration through non-structural controls and conservation design measures (e.g., downspout disconnection, soil quality preservation/enhancement, interceptor trees). Employing these measures close to the source of runoff generation is the easiest and most cost-effective way to comply with the pre-construction water balance standard. Using low-tech runoff reduction techniques close to the source is consistent with a number of recommendations in the literature.²³ In many cases, BMPs implemented close to the source of runoff generation cost less than end-of the pipe measures.²⁴ Dischargers are given the option of using Appendix 2 to calculate the required runoff volume or a watershed process-based, continuous simulation model such as the EPA's Storm Water Management Model (SWMM) or Hydrologic Simulation Program Fortran (HSPF). Such methods used by the discharger will be reviewed by the Regional Water Board upon NOT application.

Channel Protection:

In order to address channel protection, a basic understanding of fluvial geomorphic concepts is necessary. A dominant paradigm in fluvial geomorphology holds that streams adjust their channel dimensions (width and depth) in response to long-term changes in sediment supply and bankfull discharge (1.5 to 2 year recurrence interval). The bankfull stage corresponds to the discharge at which channel maintenance is the most effective, that is, the discharge at which the moving sediment, forming or removing bars, forming or changing bends and meanders, and generally doing work that results in the average morphologic characteristics of channels.²⁵ Lane (1955 as cited in Rosgen 1996²⁶) showed the generalized relationship between sediment load, sediment size, stream discharge and stream slope in

²⁰ Klein 1979 as cited in Delaware Department of Natural Resources (DDNR). 2004. Green Technology: The Delaware Urban Runoff Management Approach. Dover, DE. 117 pp.

²¹ Ferguson and Suckling 1990 as cited Delaware Department of Natural Resources (DDNR). 2004. Green Technology: The Delaware Urban Runoff Management Approach. Dover, DE. 117 pp.

²² Center for Watershed Protection (CWP). 2000. The Practice of Watershed Protection: Techniques for protecting our nation's streams, lakes, rivers, and estuaries. Ellicott City, MD. 741 pp.

²³ Bay Area Storm Water Management Agencies Association (BASMAA). 1997. Start at the Source: Residential Site Planning and Design Guidance Manual for Storm Water Quality Protection. Palo Alto, CA;

McCuen, R.H. 2003 Smart Growth: hydrologic perspective. Journal of Professional Issues in Engineering Education and Practice. Vol (129), pp.151-154;

Moglen, G.E. and S. Kim. 2007. Impervious imperviousness-are threshold based policies a good idea? Journal of the American Planning Association, Vol 73 No. 2. pp 161-171.

²⁴ Delaware Department of natural Resources (DDNR). 2004. Green technology: The Delaware urban Runoff Management Approach. Dover, DE. 117 pp.

²⁵ Dunne, T and L.B. Leopold. 1978. Water in Environmental Planning. San Francisco W.H. Freeman and Company

²⁶ Rosgen. D.L. 1996. Applied River Morphology. Pagosa Springs. Wildland Hydrology

Figure 5. A change in any one of these variables sets up a series of mutual adjustments in the companion variables with a resulting direct change in the physical characteristics of the stream channel.

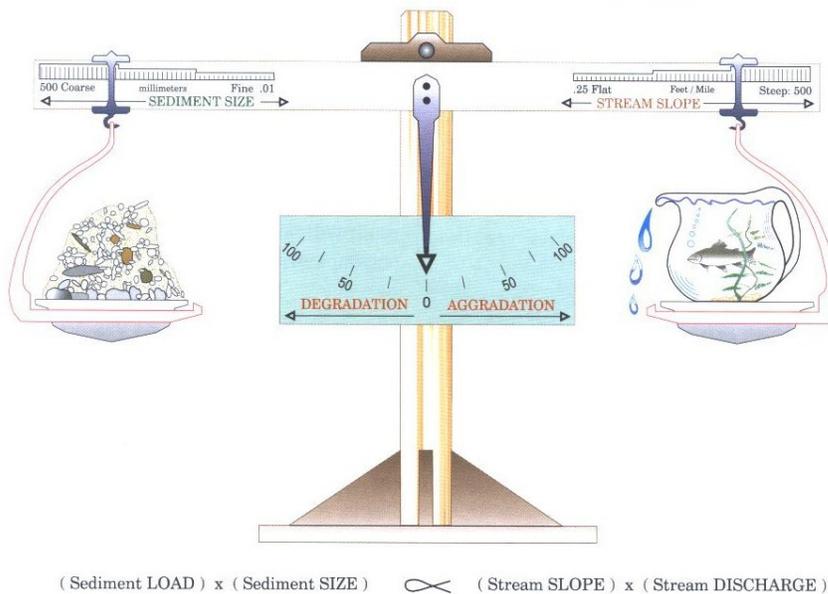


Figure 5 - Schematic of the Lane Relationship
After Lane (1955) as cited in Rosgen (1996)

Stream slope multiplied by stream discharge (the right side of the scale) is essentially an approximation of stream power, a unifying concept in fluvial geomorphology (Bledsoe 1999). Urbanization generally increases stream power and affects the resisting forces in a channel (sediment load and sediment size represented on the left side of the scale).

During construction, sediment loads can increase from 2 to 40,000 times over pre-construction levels.²⁷ Most of this sediment is delivered to stream channels during large, episodic rain events.²⁸ This increased sediment load leads to an initial aggradation phase where stream depths may decrease as sediment fills the channel, leading to a decrease in channel capacity and increase in flooding and overbank deposition. A degradation phase initiates after construction is completed.

Schumm et. al (1984) developed a channel evolution model that describes the series of adjustments from initial downcutting, to widening, to establishing new floodplains at lower elevations (Figure 6).

²⁷ Goldman S.J., K. Jackson, and T.A. Bursztynsky. 1986. Erosion and Sediment Control Handbook. McGraw Hill. San Francisco.

²⁸ Wolman 1967 as cited in Paul, M.P. and J.L. Meyer. 2001. Streams in the Urban Landscape. *Annu. Rev.Ecol. Syst.* 32: 333-365.

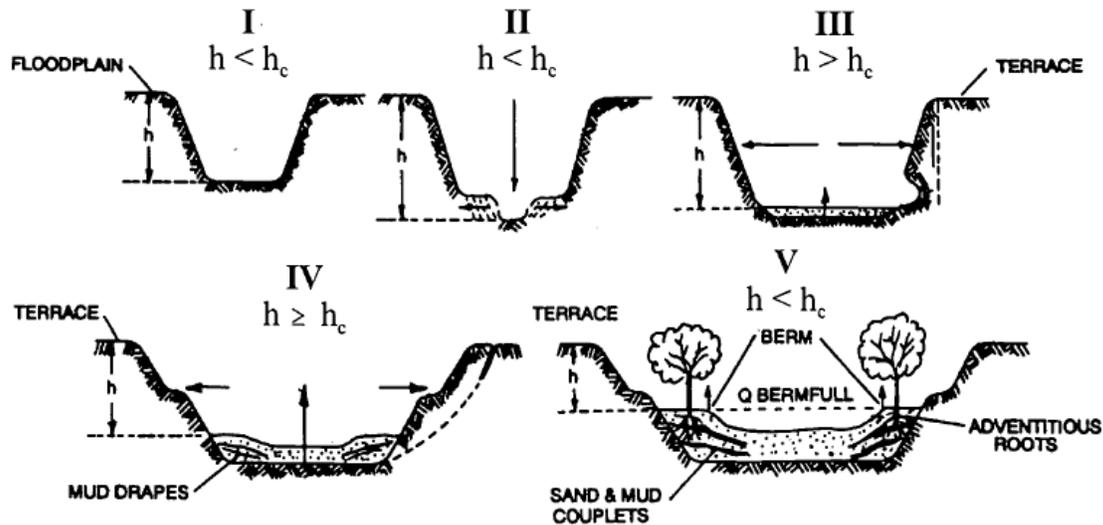


Figure 6 - Channel Changes Associated with Urbanization

After Incised Channel Evolution Sequence in Schumm et. al 1984

Channel incision (Stage II) and widening (Stages III and to a lesser degree, Stage IV) are due to a number of fundamental changes on the landscape. Connected impervious area and compaction of pervious surfaces increase the frequency and volume of bankfull discharges.²⁹ Increased drainage density (miles of stream length per square mile of watershed) also negatively impacts receiving stream channels.³⁰ Increased drainage density and hydraulic efficiency leads to an increase in the frequency and volume of bankfull discharges because the time of concentration is shortened. Flows from engineered pipes and channels are also often “sediment starved” and seek to replenish their sediment supply from the channel.

Encroachment of stream channels can also lead to an increase in stream slope, which leads to an increase in stream power. In addition, watershed sediment loads and sediment size (with size generally represented as the median bed and bank particle size, or d_{50}) decrease during urbanization.³¹ This means

²⁹ Booth, D. B. and C. R. Jackson. 1997. Urbanization of Aquatic Systems: Degradation Thresholds, Storm Water Detection, and the Limits of Mitigation. *Journal of the American Water Resources Association* Vol. 33, No.5, pp. 1077-1089.

³⁰ May, C.W. 1998. Cumulative effects of urbanization on small streams in the Puget Sound Lowland ecoregion. Conference proceedings from Puget Sound Research '98 held March 12, 13 1998 in Seattle, WA;

Santa Clara Valley Urban Runoff Pollution Prevention Program. 2002. Hydromodification Management Plan Literature Review. 80 pp.

³¹ Finkenbine, J.K., D.S. Atwater, and D.S. Mavinic. 2000. Stream health after urbanization. *J. Am. Water Resour. Assoc.* 36:1149-60;

that even if pre- and post-development stream power are the same, more erosion will occur in the post-development stage because the smaller particles are less resistant (provided they are non-cohesive).

As shown in Stages II and III, the channel deepens and widens to accommodate the increased stream power³² and decrease in sediment load and sediment size. Channels may actually narrow as entrained sediment from incision is deposited laterally in the channel. After incised channels begin to migrate laterally (Stage III), bank erosion begins, which leads to general channel widening.³³ At this point, a majority of the sediment that leaves a drainage area comes from within the channel, as opposed to the background and construction related hillslope contribution. Stage IV is characterized by more aggradation and localized bank instability. Stage V represents a new quasi-equilibrium channel morphology in balance with the new flow and sediment supply regime. In other words, stream power is in balance with sediment load and sediment size.

The magnitude of the channel morphology changes discussed above varies along a stream network as well as with the age of development, slope, geology (sand-bedded channels may cycle through the evolution sequence in a matter of decades whereas clay-dominated channels may take much longer), watershed sediment load and size, type of urbanization, and land use history. It is also dependent on a channel's stage in the channel evolution sequence when urbanization occurs. Management strategies

Pizzuto, J.E. W.S. Hession, and M. McBride. 2000. Comparing gravel-bed rivers in paired urban and rural catchments of southeastern Pennsylvania. *Geology* 28:79-82.

³² Hammer 1973 as cited in Delaware Department of Natural Resources (DDNR). 2004. Green Technology: The Delaware Urban Runoff Management Approach. Dover, DE. 117 pp;

Booth, D.B. 1990. Stream Channel Incision Following Drainage Basin Urbanization. *Water Resour. Bull.* 26:407-417.

³³ Trimble, S.W. 1997. Contribution of Stream Channel Erosion to Sediment Yield from an Urbanizing Watershed. *Science*: Vol. 278 (21), pp. 1442-1444.

must take into account a channel's stage of adjustment and account for future changes in the evolution of channel form (Stein and Zaleski 2005).³⁴

Traditional structural water quality BMPs (e.g. detention basins and other devices used to store volumes of runoff) unless they are highly engineered to provide adequate flow duration control, do not adequately protect receiving waters from accelerated channel bed and bank erosion, do not address post-development increases in runoff volume, and do not mitigate the decline in benthic macroinvertebrate communities in the receiving waters³⁵ suggest that structural BMPs are not as effective in protecting aquatic communities as a continuous riparian buffer of native vegetation. This is supported by the findings of Zucker and White³⁶, where instream biological metrics were correlated with the extent of forested buffers.

This General Permit requires dischargers to maintain pre-development drainage densities and times of concentration in order to protect channels and encourages dischargers to implement setbacks to reduce channel slope and velocity changes that can lead to aquatic habitat degradation.

There are a number of other approaches for modeling fluvial systems, including statistical and physical models and simpler stream power models.³⁷ The use of these models in California is described in Stein and Zaleski (2005).³⁸ Rather than prescribe a specific one-size-fits-all modeling method in this permit, the State Water Board intends to develop a stream power and channel evolution model-based framework to assess channels and develop a hierarchy of suitable analysis methods and management strategies. In time, this framework may become a State Water Board water quality control policy.

Permit Linkage to Overbank and Extreme Flood Protection

Site design BMPs (e.g. rooftop and impervious disconnection, vegetated swales, setbacks and buffers) filter and settle out pollutants and provide for more infiltration than is possible for traditional centralized structural BMPs placed at the lowest point in a site. They provide source control for runoff and lead to a reduction in pollutant loads. When implemented, they also help reduce the magnitude and volume of larger, less frequent storm events (e.g., 10-yr, 24-hour storm and larger), thereby reducing the need for expensive flood control infrastructure. Nonstructural BMPs can also be a landscape amenity, instead of a large isolated structure requiring substantial area for ancillary access, buffering, screening and maintenance facilities.²⁵ The multiple benefits of using non-structural benefits will be critically important as the state's population increases and imposes strains upon our existing water resources.

Maintaining predevelopment drainage densities and times of concentration will help reduce post-development peak flows and volumes in areas not covered under a municipal permit. The most effective way to preserve drainage areas and maximize time of concentration is to implement landform grading,

³⁴ Stein, E.S. and S. Zaleski. 2005. Managing runoff to protect natural stream: the latest developments on investigation and management of hydromodification in California. Southern California Coastal Water Research Project Technical Report 475. 26 pp.

³⁵ Horner, R.R. 2006. Investigation of the Feasibility and Benefits of Low-Impact Site Design Practices (LID) for the San Diego Region. Available at: http://www.projectcleanwater.org/pdf/permit/case-study_lid.pdf.

³⁶ Delaware Department of Natural Resources (DDNR). 2004. Green Technology: The Delaware Urban Runoff Management Approach. Dover, DE. 117 pp.

³⁷ Finlayson, D.P. and D.R. Montgomery. 2003. Modeling large-scale fluvial erosion in geographic information systems. *Geomorphology* (53), pp. 147-164).

³⁸ Stein, E.S. and S. Zaleski. 2005. Managing runoff to protect natural stream: the latest developments on investigation and management of hydromodification in California. Southern California Coastal Water Research Project Technical Report 475. 26 pp.

incorporate site design BMPs and implement distributed structural BMPs (e.g., bioretention cells, rain gardens, rain cisterns).

M. Storm Water Pollution Prevention Plans

USEPA's Construction General Permit requires that qualified personnel conduct inspections. USEPA defines qualified personnel as "a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity."³⁹ USEPA also suggests that qualified personnel prepare SWPPPs and points to numerous states that require certified professionals to be on construction sites at all times. States that currently have certification programs are Washington, Georgia, Florida, Delaware, Maryland, and New Jersey. The Permit 99-08-DWQ did not require that qualified personnel prepare SWPPPs or conduct inspections. However, to ensure that water quality is being protected, this General Permit requires that all SWPPPs be written, amended, and certified by a Qualified SWPPP Developer. A Qualified SWPPP Developer must possess one of the eight certifications and or registrations specified in this General Permit and effective two years after the adoption date of this General Permit, must have attended a State Water Board-sponsored or approved Qualified SWPPP Developer training course. Table 9 provides an overview of the criteria used in determining qualified certification titles for a QSD and QSP.

39 US Environmental Protection Agency. Stormwater Pollution Prevention Plans for Construction Activities. <<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>> and <http://www.epa.gov/npdes/pubs/sw_swppp_guide.pdf>.

Table 9 - Qualified SWPPP Developer/ Qualified SWPPP Practitioner Certification Criteria

Certification/ Title	Registered By	QSD/QSP	Certification Criteria
Professional Civil Engineer	California	Both	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites
Professional Geologist or Engineering Geologist	California	Both	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites
Landscape Architect	California	Both	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites
Professional Hydrologist	American Institute of Hydrology	Both	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites
Certified Professional in Erosion and Sediment Control™ (CPESC)	Enviro Cert International Inc.	Both	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites 5. Continuing Education
Certified Inspector of Sediment and Erosion Control™ (CISEC)	Certified Inspector of Sediment and Erosion Control, Inc.	QSP	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites 5. Continuing Education
Certified Erosion, Sediment and Storm Water Inspector™ (CESSWI)	Enviro Cert International Inc.	QSP	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites 5. Continuing Education
Certified Professional in Storm Water Quality™ (CPSWQ)	Enviro Cert International Inc.	Both	1. Approval Process 2. Code of Ethics 3. Accountability 4. Pre-requisites 5. Continuing Education

The previous versions of the General Permit required development and implementation of a SWPPP as the primary compliance mechanism. The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges; and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water and non-storm water discharges. The SWPPP must include BMPs that address source control, BMPs that address pollutant control, and BMPs that address treatment control.

This General Permit shifts some of the measures that were covered by this general requirement to specific permit requirements, each individually enforceable as a permit term. This General Permit emphasizes the use of appropriately selected, correctly installed and maintained pollution reduction BMPs. This approach provides the flexibility necessary to establish BMPs that can effectively address source control of pollutants during changing construction activities. These specific requirements also improve both the clarity and the enforceability of the General Permit so that the dischargers understand, and the public can determine whether the discharges are in compliance with, permit requirements.

The SWPPP must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. The SWPPP must remain on the site during construction activities, commencing with the initial mobilization and ending with the termination of coverage under the General Permit. For LUPs the discharger shall make the SWPPP available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or Municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, current copies of the BMPs and map/drawing will be left with the field crew and the original SWPPP shall be made available via a request by radio or telephone. Once construction activities are complete, until stabilization is achieved, the SWPPP shall be available from the SWPPP contact listed in the PRDs

A SWPPP must be appropriate for the type and complexity of a project and will be developed and implemented to address project specific conditions. Some projects may have similarities or complexities, yet each project is unique in its progressive state that requires specific description and selection of BMPs needed to address all possible generated pollutants

N. Regional Water Board Authorities

Because this General Permit will be issued to thousands of construction sites across the State, the Regional Water Boards retain discretionary authority over certain issues that may arise from the discharges in their respective regions. This General Permit does not grant the Regional Water Boards any authority they do not otherwise have; rather, it merely emphasizes that the Regional Water Boards can take specific actions related to this General Permit. For example, the Regional Water Boards will be enforcing this General Permit and may need to adjust some requirements for a discharger based on the discharger's compliance history.



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

Division of Water Quality

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Arnold Schwarzenegger
Governor

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR
STORM WATER DISCHARGES
ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE
ACTIVITIES

ORDER NO. 2009-0009-DWQ
NPDES NO. **CAS000002**

This Order was adopted by the State Water Resources Control Board on:	September 2, 2009
This Order shall become effective on:	July 1, 2010
This Order shall expire on:	September 2, 2014

IT IS HEREBY ORDERED, that this Order supersedes Order No. 99-08-DWQ [as amended by Order No. 2010-0014-DWQ] except for enforcement purposes. The Discharger shall comply with the requirements in this Order to meet the provisions contained in Division 7 of the California Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the federal Clean Water Act and regulations and guidelines adopted thereunder.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on September 2, 2009.

AYE: Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: Chairman Charles R. Hoppin

ABSENT: None

ABSTAIN: None

Jeanine Townsend
Clerk to the Board



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board



Arnold Schwarzenegger
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Division of Water Quality

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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES

**ORDER NO. 2010-0014-DWQ
NPDES NO. CAS000002**

Order No. 2009-0009-DWQ was adopted by the State Water Resources Control Board on:	September 2, 2009
Order No. 2009-0009-DWQ became effective on:	July 1, 2010
Order No. 2009-0009-DWQ shall expire on:	September 2, 2014
This Order, which amends Order No. 2009-0009-DWQ, was adopted by the State Water Resources Control Board on:	November 16, 2010
This Order shall become effective on:	February 14, 2011

IT IS HEREBY ORDERED that this Order amends Order No. 2009-0009-DWQ. Additions to Order No. 2009-0009-DWQ are reflected in [blue-underline](#) text and deletions are reflected in ~~red-strikeout~~ text.

IT IS FURTHER ORDERED that staff are directed to prepare and post a conformed copy of Order No. 2009-0009-DWQ incorporating the revisions made by this Order.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on **November 16, 2010**.

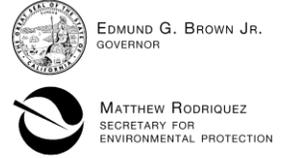
AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Arthur G. Baggett, Jr.
Board Member Tam M. Doduc

NAY: None

ABSENT: None

ABSTAIN: None

Jeanine Townsend
Clerk to the Board



State Water Resources Control Board

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT FOR
STORM WATER DISCHARGES
ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES

ORDER NO. 2012-0006-DWQ
NPDES NO. CAS000002

Table with 2 columns: Description of order changes and Effective dates. Rows include adoption of 2009-0009-DWQ, effectiveness of 2009-0009-DWQ, effectiveness of 2010-0014-DWQ, expiration of 2009-0009-DWQ as amended, adoption of the current order, and effectiveness of the current order.

IT IS HEREBY ORDERED that this Order amends Order No. 2009-0009-DWQ. Additions to Order No. 2009-0009-DWQ are reflected in blue-underline text and deletions are reflected in red-strikeout text.

IT IS FURTHER ORDERED that staff are directed to prepare and post a conformed copy of Order No. 2009-000-DWQ incorporating the revisions made by this Order.

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of an Order adopted by the State Water Resources Control Board, on July 17, 2012.

AYE: Chairman Charles R. Hoppin
Vice Chair Frances Spivy-Weber
Board Member Tam M. Doduc
Board Member Steven Moore
Board Member Felicia Marcus

NAY: None

ABSENT: None

ABSTAIN: None

Handwritten signature of Jeanine Townsend
Jeanine Townsend
Clerk to the Board

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**STATE WATER RESOURCES CONTROL BOARD
ORDER NO. 2009-0009-DWQ
[AS AMENDED BY ORDER NO. 2010-0014-DWQ]
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
GENERAL PERMIT NO. CAS000002**

**WASTE DISCHARGE REQUIREMENTS
FOR
DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH
CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES**

I. FINDINGS

A. General Findings

The State Water Resources Control Board (State Water Board) finds that:

1. The federal Clean Water Act (CWA) prohibits certain discharges of storm water containing pollutants except in compliance with a National Pollutant Discharge Elimination System (NPDES) permit (Title 33 United States Code (U.S.C.) §§ 1311 and 1342(p); also referred to as Clean Water Act (CWA) §§ 301 and 402(p)). The U.S. Environmental Protection Agency (U.S. EPA) promulgates federal regulations to implement the CWA's mandate to control pollutants in storm water runoff discharges. (Title 40 Code of Federal Regulations (C.F.R.) Parts 122, 123, and 124). The federal statutes and regulations require discharges to surface waters comprised of storm water associated with construction activity, including demolition, clearing, grading, and excavation, and other land disturbance activities (except operations that result in disturbance of less than one acre of total land area and which are not part of a larger common plan of development or sale), to obtain coverage under an NPDES permit. The NPDES permit must require implementation of Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate pollutants in storm water runoff. The NPDES permit must also include additional requirements necessary to implement applicable water quality standards.
2. This General Permit authorizes discharges of storm water associated with construction activity so long as the dischargers comply with all requirements, provisions, limitations and prohibitions in the permit. In addition, this General Permit regulates the discharges of storm water associated with construction activities from all Linear

Underground/Overhead Projects resulting in the disturbance of greater than or equal to one acre (Attachment A).

3. This General Permit regulates discharges of pollutants in storm water associated with construction activity (storm water discharges) to waters of the United States from construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface.
4. This General Permit does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to municipal separate storm sewer systems or other watercourses within their jurisdictions.
5. This action to adopt a general NPDES permit is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21100, et seq.), pursuant to Section 13389 of the California Water Code.
6. Pursuant to 40 C.F.R. § 131.12 and State Water Board [Resolution No. 68-16](#),¹ which incorporates the requirements of § 131.12 where applicable, the State Water Board finds that discharges in compliance with this General Permit will not result in the lowering of water quality standards, and are therefore consistent with those provisions. Compliance with this General Permit will result in improvements in water quality.
7. This General Permit serves as an NPDES permit in compliance with CWA § 402 and will take effect on July 1, 2010 by the State Water Board provided the Regional Administrator of the U.S. EPA has no objection. If the U.S. EPA Regional Administrator objects to its issuance, the General Permit will not become effective until such objection is withdrawn.
8. Following adoption and upon the effective date of this General Permit, the Regional Water Quality Control Boards (Regional Water Boards) shall enforce the provisions herein.
9. Regional Water Boards establish water quality standards in Basin Plans. The State Water Board establishes water quality standards in various statewide plans, including the California Ocean Plan. U.S. EPA establishes water quality standards in the National Toxic Rule (NTR) and the California Toxic Rule (CTR).

¹ Resolution No. 68-16 generally requires that existing water quality be maintained unless degradation is justified based on specific findings.

10. This General Permit does not authorize discharges of fill or dredged material regulated by the U.S. Army Corps of Engineers under CWA § 404 and does not constitute a waiver of water quality certification under CWA § 401.
11. The primary storm water pollutant at construction sites is excess sediment. Excess sediment can cloud the water, which reduces the amount of sunlight reaching aquatic plants, clog fish gills, smother aquatic habitat and spawning areas, and impede navigation in our waterways. Sediment also transports other pollutants such as nutrients, metals, and oils and greases.
12. Construction activities can impact a construction site's runoff sediment supply and transport characteristics. These modifications, which can occur both during and after the construction phase, are a significant cause of degradation of the beneficial uses established for water bodies in California. Dischargers can avoid these effects through better construction site design and activity practices.
13. This General Permit recognizes four distinct phases of construction activities. The phases are Grading and Land Development Phase, Streets and Utilities Phase, Vertical Construction Phase, and Final Landscaping and Site Stabilization Phase. Each phase has activities that can result in different water quality effects from different water quality pollutants. This General Permit also recognizes inactive construction as a category of construction site type.
14. Compliance with any specific limits or requirements contained in this General Permit does not constitute compliance with any other applicable requirements.
15. Following public notice in accordance with State and Federal laws and regulations, the State Water Board heard and considered all comments and testimony in a public hearing on 06/03/2009. The State Water Board has prepared written responses to all significant comments.
16. Construction activities obtaining coverage under the General Permit may have multiple discharges subject to requirements that are specific to general, linear, and/or active treatment system discharge types.
17. The State Water Board may reopen the permit if the U.S. EPA adopts a final effluent limitation guideline for construction activities.

B. Activities Covered Under the General Permit

18. Any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre.
19. Construction activity that results in land surface disturbances of less than one acre if the construction activity is part of a larger common plan of development or the sale of one or more acres of disturbed land surface.
20. Construction activity related to residential, commercial, or industrial development on lands currently used for agriculture including, but not limited to, the construction of buildings related to agriculture that are considered industrial pursuant to U.S. EPA regulations, such as dairy barns or food processing facilities.
21. Construction activity associated with Linear Underground/Overhead Utility Projects (LUPs) including, but not limited to, those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities) and include, but are not limited to, underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/borrow locations.
22. Discharges of sediment from construction activities associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.²
23. Storm water discharges from dredge spoil placement that occur outside of U.S. Army Corps of Engineers jurisdiction (upland sites) and that disturb one or more acres of land surface from construction activity are covered by this General Permit. Construction sites that intend to disturb one or more acres of land within the jurisdictional boundaries of

² Pursuant to the Ninth Circuit Court of Appeals' decision in *NRDC v. EPA* (9th Cir. 2008) 526 F.3d 591, and subsequent denial of the U.S. EPA's petition for reconsideration in November 2008, oil and gas construction activities discharging storm water contaminated only with sediment are no longer exempt from the NPDES program.

a CWA § 404 permit should contact the appropriate Regional Water Board to determine whether this permit applies to the site.

C. Activities Not Covered Under the General Permit

24. Routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.
25. Disturbances to land surfaces solely related to agricultural operations such as disking, harrowing, terracing and leveling, and soil preparation.
26. Discharges of storm water from areas on tribal lands; construction on tribal lands is regulated by a federal permit.
27. Construction activity and land disturbance involving discharges of storm water within the Lake Tahoe Hydrologic Unit. The Lahontan Regional Water Board has adopted its own permit to regulate storm water discharges from construction activity in the Lake Tahoe Hydrologic Unit (Regional Water Board 6SLT). Owners of construction sites in this watershed must apply for the Lahontan Regional Water Board permit rather than the statewide Construction General Permit.
28. Construction activity that disturbs less than one acre of land surface, and that is not part of a larger common plan of development or the sale of one or more acres of disturbed land surface.
29. Construction activity covered by an individual NPDES Permit for storm water discharges.
30. Discharges from small (1 to 5 acre) construction activities with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Board that small construction activity will occur only when the Rainfall Erosivity Factor is less than 5 ("R" in the Revised Universal Soil Loss Equation).
31. Landfill construction activity that is subject to the Industrial General Permit.
32. Construction activity that discharges to Combined Sewer Systems.
33. Conveyances that discharge storm water runoff combined with municipal sewage.
34. Discharges of storm water identified in CWA § 402(l)(2), 33 U.S.C. § 1342(l)(2).

35. Discharges occurring in basins that are not tributary or hydrologically connected to waters of the United States (for more information contact your Regional Water Board).

D. Obtaining and Modifying General Permit Coverage

36. This General Permit requires all dischargers to electronically file all Permit Registration Documents (PRDs), Notices of Termination (NOT), changes of information, annual reporting, and other compliance documents required by this General Permit through the State Water Board's Storm water Multi-Application and Report Tracking System (SMARTS) website.
37. Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.
38. This General Permit grants an exception from the Risk Determination requirements for existing sites covered under Water Quality Orders No. 99-08-DWQ, and [No. 2003-0007-DWQ](#). For certain sites, adding additional requirements may not be cost effective. Construction sites covered under Water Quality Order No. 99-08-DWQ shall obtain permit coverage at the Risk Level 1. LUPs covered under Water Quality Order No. 2003-0007-DWQ shall obtain permit coverage as a Type 1 LUP. The Regional Water Boards have the authority to require Risk Determination to be performed on sites currently covered under Water Quality Orders No. 99-08-DWQ and No. 2003-0007-DWQ where they deem it necessary. The State Water Board finds that there are two circumstances when it may be appropriate for the Regional Water Boards to require a discharger that had filed an NOI under State Water Board Order No. 99-08-DWQ to recalculate the site's risk level. These circumstances are: (1) when the discharger has a demonstrated history of noncompliance with State Water Board Order No. 99-08-DWQ or; (2) when the discharger's site poses a significant risk of causing or contributing to an exceedance of a water quality standard without the implementation of the additional Risk Level 2 or 3 requirements.

E. Prohibitions

39. All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit. Non-storm water discharges include a wide variety of sources, including improper dumping, spills, or leakage from storage tanks or transfer areas. Non-storm water discharges may

contribute significant pollutant loads to receiving waters. Measures to control spills, leakage, and dumping, and to prevent illicit connections during construction must be addressed through structural as well as non-structural Best Management Practices (BMPs)³. The State Water Board recognizes, however, that certain non-storm water discharges may be necessary for the completion of construction.

40. This General Permit prohibits all discharges which contain a hazardous substance in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
41. This General Permit incorporates discharge prohibitions contained in water quality control plans, as implemented by the State Water Board and the nine Regional Water Boards.
42. Pursuant to the Ocean Plan, discharges to Areas of Special Biological Significance (ASBS) are prohibited unless covered by an exception that the State Water Board has approved.
43. This General Permit prohibits the discharge of any debris⁴ from construction sites. Plastic and other trash materials can cause negative impacts to receiving water beneficial uses. The State Water Board encourages the use of more environmentally safe, biodegradable materials on construction sites to minimize the potential risk to water quality.

F. Training

44. In order to improve compliance with and to maintain consistent enforcement of this General Permit, all dischargers are required to appoint two positions - the Qualified SWPPP Developer (QSD) and the Qualified SWPPP Practitioner (QSP) - who must obtain appropriate training. Together with the key stakeholders, the State and Regional Water Boards are leading the development of this curriculum through a collaborative organization called The Construction General Permit (CGP) Training Team.
45. The Professional Engineers Act (Bus. & Prof. Code section 6700, et seq.) requires that all engineering work must be performed by a California licensed engineer.

³ BMPs are scheduling of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

⁴ Litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.

G. Determining and Reducing Risk

46. The risk of accelerated erosion and sedimentation from wind and water depends on a number of factors, including proximity to receiving water bodies, climate, topography, and soil type.
47. This General Permit requires dischargers to assess the risk level of a site based on both sediment transport and receiving water risk. This General Permit contains requirements for Risk Levels 1, 2 and 3, and LUP Risk Type 1, 2, and 3 (Attachment A). Risk levels are established by determining two factors: first, calculating the site's sediment risk; and second, receiving water risk during periods of soil exposure (i.e. grading and site stabilization). Both factors are used to determine the site-specific Risk Level(s). LUPs can be determined to be Type 1 based on the flowchart in Attachment A.1.
48. Although this General Permit does not mandate specific setback distances, dischargers are encouraged to set back their construction activities from streams and wetlands whenever feasible to reduce the risk of impacting water quality (e.g., natural stream stability and habitat function). Because there is a reduced risk to receiving waters when setbacks are used, this General Permit gives credit to setbacks in the risk determination and post-construction storm water performance standards. The risk calculation and runoff reduction mechanisms in this General Permit are expected to facilitate compliance with any Regional Water Board and local agency setback requirements, and to encourage voluntary setbacks wherever practicable.
49. Rain events can occur at any time of the year in California. Therefore, a Rain Event Action Plan (REAP) is necessary for Risk Level 2 and 3 traditional construction projects (LUPs exempt) to ensure that active construction sites have adequate erosion and sediment controls implemented prior to the onset of a storm event, even if construction is planned only during the dry season.
50. Soil particles smaller than 0.02 millimeters (mm) (i.e., finer than medium silt) do not settle easily using conventional measures for sediment control (i.e., sediment basins). Given their long settling time, dislodging these soils results in a significant risk that fine particles will be released into surface waters and cause unacceptable downstream impacts. If operated correctly, an Active Treatment System (ATS⁵) can prevent or reduce the release of fine particles from construction sites.

⁵ An ATS is a treatment system that employs chemical coagulation, chemical flocculation, or electro coagulation in order to reduce turbidity caused by fine suspended sediment.

Use of an ATS can effectively reduce a site's risk of impacting receiving waters.

51. Dischargers located in a watershed area where a Total Maximum Daily Load (TMDL) has been adopted or approved by the Regional Water Board or U.S. EPA may be required by a separate Regional Water Board action to implement additional BMPs, conduct additional monitoring activities, and/or comply with an applicable waste load allocation and implementation schedule. Such dischargers may also be required to obtain an individual Regional Water Board permit specific to the area.

H. Effluent Standards

52. The State Water Board convened a blue ribbon panel of storm water experts that submitted a report entitled, "The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Municipal, Industrial and Construction Activities," dated June 19, 2006. The panel concluded that numeric limits or action levels are technically feasible to control construction storm water discharges, provided that certain conditions are considered. The panel also concluded that numeric effluent limitations (NELs) are feasible for discharges from construction sites that utilize an ATS. The State Water Board has incorporated the expert panel's suggestions into this General Permit, which includes numeric action levels (NALs) for pH and turbidity, and special numeric limits for ATS discharges.

Determining Compliance with Numeric Limitations

53. This General Permit sets a pH NAL of 6.5 to 8.5, and a turbidity NAL of 250 NTU. The purpose of the NAL and its associated monitoring requirement is to provide operational information regarding the performance of the measures used at the site to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges. An exceedance of a NAL does not constitute a violation of this General Permit.
54. This General Permit requires dischargers with NAL exceedances to immediately implement additional BMPs and revise their Storm Water Pollution Prevention Plans (SWPPPs) accordingly to either prevent pollutants and authorized non-storm water discharges from contaminating storm water, or to substantially reduce the pollutants to levels consistently below the NALs. NAL exceedances are reported in the State Water Boards SMARTS system, and the discharger is

required to provide an NAL Exceedance Report when requested by a Regional Water Board.

I. Receiving Water Limitations

55. This General Permit requires all enrolled dischargers to determine the receiving waters potentially affected by their discharges and to comply with all applicable water quality standards, including any more stringent standards applicable to a water body.

J. Sampling, Monitoring, Reporting and Record Keeping

56. Visual monitoring of storm water and non-storm water discharges is required for all sites subject to this General Permit.

57. Records of all visual monitoring inspections are required to remain on-site during the construction period and for a minimum of three years.

58. For all Risk Level 3/LUP Type 3 and Risk Level 2/LUP Type 2 sites, this General Permit requires effluent monitoring for pH and turbidity. Sampling, analysis and monitoring requirements for effluent monitoring for pH and turbidity are contained in this General Permit.

59. Risk Level 3 and LUP Type 3 sites with effluent that exceeds the Receiving Water Monitoring Triggers contained in this General Permit and with direct discharges to receiving water are required to conduct receiving water monitoring. An exceedance of a Receiving Water Monitoring Trigger does not constitute a violation of this General Permit.

60. This General Permit establishes a 5 year, 24 hour (expressed in inches of rainfall) as an exemptions to the receiving water monitoring requirements for Risk Level 3 and LUP Type 3 dischargers.

61. If run-on is caused by a forest fire or any other natural disaster, then receiving water monitoring triggers do not apply.

62. For Risk Level 3 and LUP Type 3 sites larger than 30 acres and with direct discharges to receiving waters, this General Permit requires bioassessment sampling before and after site completion to determine if significant degradation to the receiving water's biota has occurred. Bioassessment sampling guidelines are contained in this General Permit.

63. A summary and evaluation of the sampling and analysis results will be submitted in the Annual Reports.
64. This General Permit contains sampling, analysis and monitoring requirements for non-visible pollutants at all sites subject to this General Permit.
65. Compliance with the General Permit relies upon dischargers to electronically self-report any discharge violations and to comply with any Regional Water Board enforcement actions.
66. This General Permit requires that all dischargers maintain a paper or electronic copy of all required records for three years from the date generated or date submitted, whichever is last. These records must be available at the construction site until construction is completed. For LUPs, these documents may be retained in a crew member's vehicle and made available upon request.

K. Active Treatment System (ATS) Requirements

67. Active treatment systems add chemicals to facilitate flocculation, coagulation and filtration of suspended sediment particles. The uncontrolled release of these chemicals to the environment can negatively affect the beneficial uses of receiving waters and/or degrade water quality (e.g., acute and chronic toxicity). Additionally, the batch storage and treatment of storm water through an ATS' can potentially cause physical impacts on receiving waters if storage volume is inadequate or due to sudden releases of the ATS batches and improperly designed outfalls.
68. If designed, operated and maintained properly an ATS can achieve very high removal rates of suspended sediment (measured as turbidity), albeit at sometimes significantly higher costs than traditional erosion/sediment control practices. As a result, this General Permit establishes NELs consistent with the expected level of typical ATS performance.
69. This General Permit requires discharges of storm water associated with construction activity that undergo active treatment to comply with special operational and effluent limitations to ensure that these discharges do not adversely affect the beneficial uses of the receiving waters or cause degradation of their water quality.
70. For ATS discharges, this General Permit establishes technology-based NELs for turbidity.

71. This General Permit establishes a 10 year, 24 hour (expressed in inches of rainfall) Compliance Storm Event exemption from the technology-based numeric effluent limitations for ATS discharges. Exceedances of the ATS turbidity NEL constitutes a violation of this General Permit.

L. Post-Construction Requirements

72. This General Permit includes performance standards for post-construction that are consistent with State Water Board [Resolution No. 2005-0006](#), "Resolution Adopting the Concept of Sustainability as a Core Value for State Water Board Programs and Directing Its Incorporation," and [2008-0030](#), "Requiring Sustainable Water Resources Management." The requirement for all construction sites to match pre-project hydrology will help ensure that the physical and biological integrity of aquatic ecosystems are sustained. This "runoff reduction" approach is analogous in principle to Low Impact Development (LID) and will serve to protect related watersheds and waterbodies from both hydrologic-based and pollution impacts associated with the post-construction landscape.

73. LUP projects are not subject to post-construction requirements due to the nature of their construction to return project sites to pre-construction conditions.

M. Storm Water Pollution Prevention Plan Requirements

74. This General Permit requires the development of a site-specific SWPPP. The SWPPP must include the information needed to demonstrate compliance with all requirements of this General Permit, and must be kept on the construction site and be available for review. The discharger shall ensure that a QSD develops the SWPPP.

75. To ensure proper site oversight, this General Permit requires a Qualified SWPPP Practitioner to oversee implementation of the BMPs required to comply with this General Permit.

N. Regional Water Board Authorities

76. Regional Water Boards are responsible for implementation and enforcement of this General Permit. A general approach to permitting is not always suitable for every construction site and environmental circumstances. Therefore, this General Permit recognizes that Regional Water Boards must have some flexibility and authority to alter, approve, exempt, or rescind permit authority granted under this

General Permit in order to protect the beneficial uses of our receiving waters and prevent degradation of water quality.

IT IS HEREBY ORDERED that all dischargers subject to this General Permit shall comply with the following conditions and requirements (including all conditions and requirements as set forth in Attachments A, B, C, D, E and F)⁶:

II. CONDITIONS FOR PERMIT COVERAGE

A. Linear Underground/Overhead Projects (LUPs)

1. Linear Underground/Overhead Projects (LUPs) include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g. telephone, telegraph, radio or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.
2. The Legally Responsible Person is responsible for obtaining coverage under the General Permit where the construction of pipelines, utility lines, fiber-optic cables, or other linear underground/overhead projects will occur across several properties unless the LUP construction activities are covered under another construction storm water permit.
3. Only LUPs shall comply with the conditions and requirements in Attachment A, A.1 & A.2 of this Order. The balance of this Order is not applicable to LUPs except as indicated in Attachment A.

⁶ These attachments are part of the General Permit itself and are not separate documents that are capable of being updated independently by the State Water Board.

B. Obtaining Permit Coverage Traditional Construction Sites

1. The Legally Responsible Person (LRP) (see Special Provisions, Electronic Signature and Certification Requirements, Section IV.I.1) must obtain coverage under this General Permit.
2. To obtain coverage, the LRP must electronically file Permit Registration Documents (PRDs) prior to the commencement of construction activity. Failure to obtain coverage under this General Permit for storm water discharges to waters of the United States is a violation of the CWA and the California Water Code.
3. PRDs shall consist of:
 - a. Notice of Intent (NOI)
 - b. Risk Assessment (Section VIII)
 - c. Site Map
 - d. Storm Water Pollution Prevention Plan (Section XIV)
 - e. Annual Fee
 - f. Signed Certification Statement

Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted.

Attachment B contains additional PRD information. Dischargers must electronically file the PRDs, and mail the appropriate annual fee to the State Water Board.

4. This permit is effective on July 1, 2010.
 - a. **Dischargers Obtaining Coverage On or After July 1, 2010:** All dischargers requiring coverage on or after July 1, 2010, shall electronically file their PRDs prior to the commencement of construction activities, and mail the appropriate annual fee no later than seven days prior to the commencement of construction activities. Permit coverage shall not commence until the PRDs and the annual fee are received by the State Water Board, and a WDID number is assigned and sent by SMARTS.
 - b. **Dischargers Covered Under 99-08-DWQ and 2003-0007-DWQ:** Existing dischargers subject to State Water Board Order No. 99-08-DWQ (existing dischargers) will continue coverage under 99-08-DWQ until July 1, 2010. After July 1, 2010, all NOIs subject to State Water Board Order No. 99-08-DWQ will be terminated.

Existing dischargers shall electronically file their PRDs no later than July 1, 2010. If an existing discharger's site acreage subject to the annual fee has changed, it shall mail a revised annual fee no less than seven days after receiving the revised annual fee notification, **or else lose permit coverage**. All existing dischargers shall be exempt from the risk determination requirements in Section VIII of this General Permit until two years after permit adoption. All existing dischargers are therefore subject to Risk Level 1 requirements regardless of their site's sediment and receiving water risks. However, a Regional Board retains the authority to require an existing discharger to comply with the Section VIII risk determination requirements.

5. The discharger is only considered covered by this General Permit upon receipt of a Waste Discharger Identification (WDID) number assigned and sent by the State Water Board Storm water Multi-Application and Report Tracking System (SMARTS). In order to demonstrate compliance with this General Permit, the discharger must obtain a WDID number and must present documentation of a valid WDID upon demand.
6. During the period this permit is subject to review by the U.S. EPA, the prior permit (State Water Board Order No. 99-08-DWQ) remains in effect. Existing dischargers under the prior permit will continue to have coverage under State Water Board Order No. 99-08-DWQ until this General Permit takes effect on July 1, 2010. Dischargers who complete their projects and electronically file an NOT prior to July 1, 2010, are not required to obtain coverage under this General Permit.
7. Small Construction Rainfall Erosivity Waiver

EPA's Small Construction Erosivity Waiver applies to sites between one and five acres demonstrating that there are no adverse water quality impacts.

Dischargers eligible for a Rainfall Erosivity Waiver based on low erosivity potential shall complete the electronic Notice of Intent (NOI) and Sediment Risk form through the State Water Board's SMARTS system, certifying that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five. Where the LRP changes or another LRP is added during construction, the new LRP must also submit a waiver certification through the SMARTS system.

If a small construction site continues beyond the projected completion date given on the waiver certification, the LRP shall recalculate the

rainfall erosivity factor for the new project duration and submit this information through the SMARTS system. If the new R factor is below five (5), the discharger shall update through SMARTS all applicable information on the waiver certification and retain a copy of the revised waiver onsite. The LRP shall submit the new waiver certification 30 days prior to the projected completion date listed on the original waiver form to assure exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, the LRP shall be required to apply for coverage under this Order.

8. In the case of a public emergency that requires immediate construction activities, a discharger shall submit a brief description of the emergency construction activity within five days of the onset of construction, and then shall submit all PRDs within thirty days.

C. Revising Permit Coverage for Change of Acreage or New Ownership

1. The discharger may reduce or increase the total acreage covered under this General Permit when a portion of the site is complete and/or conditions for termination of coverage have been met (See Section II.D Conditions for Termination of Coverage); when ownership of a portion of the site is sold to a different entity; or when new acreage, subject to this General Permit, is added to the site.
2. Within 30 days of a reduction or increase in total disturbed acreage, the discharger shall electronically file revisions to the PRDs that include:
 - a. A revised NOI indicating the new project size;
 - b. A revised site map showing the acreage of the site completed, acreage currently under construction, acreage sold/transferred or added, and acreage currently stabilized in accordance with the Conditions for Termination of Coverage in Section II.D below.
 - c. SWPPP revisions, as appropriate; and
 - d. Certification that any new landowners have been notified of applicable requirements to obtain General Permit coverage. The certification shall include the name, address, telephone number, and e-mail address of the new landowner.
 - e. If the project acreage has increased, dischargers shall mail payment of revised annual fees within 14 days of receiving the revised annual fee notification.

3. The discharger shall continue coverage under the General Permit for any parcel that has not achieved “Final Stabilization” as defined in Section II.D.
4. When an LRP with active General Permit coverage transfers its LRP status to another person or entity that qualifies as an LRP, the existing LRP shall inform the new LRP of the General Permit’s requirements. In order for the new LRP to continue the construction activity on its parcel of property, the new LRP, or the new LRP’s approved signatory, must submit PRDs in accordance with this General Permit’s requirements.

D. Conditions for Termination of Coverage

1. Within 90 days of when construction is complete or ownership has been transferred, the discharger shall electronically file a Notice of Termination (NOT), a final site map, and photos through the State Water Boards SMARTS system. Filing a NOT certifies that all General Permit requirements have been met. The Regional Water Board will consider a construction site complete only when all portions of the site have been transferred to a new owner, or all of the following conditions have been met:
 - a. For purposes of “final stabilization,” the site will not pose any additional sediment discharge risk than it did prior to the commencement of construction activity;
 - b. There is no potential for construction-related storm water pollutants to be discharged into site runoff;
 - c. Final stabilization has been reached;
 - d. Construction materials and wastes have been disposed of properly;
 - e. Compliance with the Post-Construction Standards in Section XIII of this General Permit has been demonstrated;
 - f. Post-construction storm water management measures have been installed and a long-term maintenance plan⁷ has been established; and
 - g. All construction-related equipment, materials and any temporary BMPs no longer needed are removed from the site.

⁷ For the purposes of this requirement a long-term maintenance plan will be designed for a minimum of five years, and will describe the procedures to ensure that the post-construction storm water management measures are adequately maintained.

2. The discharger shall certify that final stabilization conditions are satisfied in their NOT. Failure to certify shall result in continuation of permit coverage and annual billing.
3. The NOT must demonstrate through photos, RUSLE or RUSLE2, or results of testing and analysis that the site meets all of the conditions above (Section II.D.1) and the final stabilization condition (Section II.D.1.a) is attained by one of the following methods:
 - a. "70% final cover method," no computational proof required

OR:

- b. "RUSLE or RUSLE2 method," computational proof required

OR:

- c. "Custom method", the discharger shall demonstrate in some other manner than a or b, above, that the site complies with the "final stabilization" requirement in Section II.D.1.a.

III. DISCHARGE PROHIBITIONS

- A.** Dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans. Waste discharges to Areas of Special Biological Significance (ASBS) are prohibited by the California Ocean Plan, unless granted an exception issued by the State Water Board.
- B.** All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.
- C.** Authorized non-storm water discharges may include those from de-chlorinated potable water sources such as: fire hydrant flushing, irrigation of vegetative erosion control measures, pipe flushing and testing, water to control dust, uncontaminated ground water from dewatering, and other discharges not subject to a separate general NPDES permit adopted by a Regional Water Board. The discharge of non-storm water is authorized under the following conditions:
1. The discharge does not cause or contribute to a violation of any water quality standard;
 2. The discharge does not violate any other provision of this General Permit;
 3. The discharge is not prohibited by the applicable Basin Plan;
 4. The discharger has included and implemented specific BMPs required by this General Permit to prevent or reduce the contact of the non-storm water discharge with construction materials or equipment.
 5. The discharge does not contain toxic constituents in toxic amounts or (other) significant quantities of pollutants;
 6. The discharge is monitored and meets the applicable NALs; and
 7. The discharger reports the sampling information in the Annual Report.

If any of the above conditions are not satisfied, the discharge is not authorized by this General Permit. The discharger shall notify the Regional Water Board of any anticipated non-storm water discharges not already authorized by this General Permit or another NPDES permit, to determine whether a separate NPDES permit is necessary.

- D.** Debris resulting from construction activities are prohibited from being discharged from construction sites.
- E.** When soil contamination is found or suspected and a responsible party is not identified, or the responsible party fails to promptly take the appropriate action, the discharger shall have those soils sampled and tested to ensure proper handling and public safety measures are implemented. The discharger shall notify the appropriate local, State, and federal agency(ies) when contaminated soil is found at a construction site, and will notify the appropriate Regional Water Board.

IV. SPECIAL PROVISIONS

A. Duty to Comply

1. The discharger shall comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.
2. The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

B. General Permit Actions

1. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.
2. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

D. Duty to Mitigate

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this General Permit.

F. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

G. Duty to Maintain Records and Provide Information

1. The discharger shall maintain a paper or electronic copy of all required records, including a copy of this General Permit, for three years from the date generated or date submitted, whichever is last. These records shall be available at the construction site until construction is completed.
2. The discharger shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any requested information to determine compliance with this General Permit. The discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.

H. Inspection and Entry

The discharger shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or, in the case of construction sites which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this General Permit;

2. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;
3. Inspect at reasonable times the complete construction site, including any off-site staging areas or material storage areas, and the erosion/sediment controls; and
4. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

I. Electronic Signature and Certification Requirements

1. All Permit Registration Documents (PRDs) and Notices of Termination (NOTs) shall be electronically signed, certified, and submitted via SMARTS to the State Water Board. Either the Legally Responsible Person (LRP), as defined in Appendix 5 – Glossary, or a person legally authorized to sign and certify PRDs and NOTs on behalf of the LRP (the LRP's Approved Signatory, as defined in Appendix 5 - Glossary) must submit all information electronically via SMARTS.
2. Changes to Authorization. If an Approved Signatory's authorization is no longer accurate, a new authorization satisfying the requirements of paragraph (a) of this section must be submitted via SMARTS prior to or together with any reports, information or applications to be signed by an Approved Signatory.
3. All Annual Reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, U.S. EPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory.

J. Certification

Any person signing documents under Section IV.I above, shall make the following certification:

"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 properly gather and evaluate 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, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

K. Anticipated Noncompliance

The discharger shall give advance notice to the Regional Water Board and local storm water management agency of any planned changes in the construction activity, which may result in noncompliance with General Permit requirements.

L. Bypass

Bypass⁸ is prohibited. The Regional Water Board may take enforcement action against the discharger for bypass unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;⁹
2. There were no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that could occur during normal periods of equipment downtime or preventative maintenance;
3. The discharger submitted a notice at least ten days in advance of the need for a bypass to the Regional Water Board; or
4. The discharger may allow a bypass to occur that does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. In such a case, the above bypass conditions are not applicable. The discharger shall submit notice of an unanticipated bypass as required.

M. Upset

1. A discharger that wishes to establish the affirmative defense of an upset¹⁰ in an action brought for noncompliance shall demonstrate,

⁸ The intentional diversion of waste streams from any portion of a treatment facility

⁹ Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

¹⁰ An exceptional incident in which there is unintentional and temporary noncompliance the technology based numeric effluent limitations because of factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and that the discharger can identify the cause(s) of the upset
 - b. The treatment facility was being properly operated by the time of the upset
 - c. The discharger submitted notice of the upset as required; and
 - d. The discharger complied with any remedial measures required
2. No determination made before an action of noncompliance occurs, such as during administrative review of claims that noncompliance was caused by an upset, is final administrative action subject to judicial review.
 3. In any enforcement proceeding, the discharger seeking to establish the occurrence of an upset has the burden of proof

N. Penalties for Falsification of Reports

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

O. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

P. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

Q. Reopener Clause

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of U.S. EPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

R. Penalties for Violations of Permit Conditions

1. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500¹¹ per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
2. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, which in some cases are greater than those under the CWA.

S. Transfers

This General Permit is not transferable.

T. Continuation of Expired Permit

This General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those dischargers authorized to discharge under the expiring General Permit are covered by the continued General Permit.

¹¹ May be further adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act.

V. EFFLUENT STANDARDS & RECEIVING WATER MONITORING

A. Narrative Effluent Limitations

1. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
2. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

Table 1- Numeric Action Levels, Test Methods, Detection Limits, and Reporting Units

Parameter	Test Method	Discharge Type	Min. Detection Limit	Units	Numeric Action Level
pH	Field test with calibrated portable instrument	Risk Level 2	0.2	pH units	lower NAL = 6.5 upper NAL = 8.5
		Risk Level 3			lower NAL = 6.5 upper NAL = 8.5
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Risk Level 2	1	NTU	250 NTU
		Risk Level 3			250 NTU

B. Numeric Action Levels (NALs)

1. For Risk Level 2 and 3 dischargers, the lower storm event average NAL for pH is 6.5 pH units and the upper storm event average NAL for

pH is 8.5 pH units. The discharger shall take actions as described below if the discharge is outside of this range of pH values.

2. For Risk Level 2 and 3 dischargers, the NAL storm event daily average for turbidity is 250 NTU. The discharger shall take actions as described below if the discharge is outside of this range of turbidity values.
3. Whenever the results from a storm event daily average indicate that the discharge is below the lower NAL for pH, exceeds the upper NAL for pH, or exceeds the turbidity NAL (as listed in Table 1), the discharger shall conduct a construction site and run-on evaluation to determine whether pollutant source(s) associated with the site's construction activity may have caused or contributed to the NAL exceedance and shall immediately implement corrective actions if they are needed.
4. The site evaluation shall be documented in the SWPPP and specifically address whether the source(s) of the pollutants causing the exceedance of the NAL:
 - a. Are related to the construction activities and whether additional BMPs are required to (1) meet BAT/BCT requirements; (2) reduce or prevent pollutants in storm water discharges from causing exceedances of receiving water objectives; and (3) determine what corrective action(s) were taken or will be taken and with a description of the schedule for completion.

AND/OR:

- b. Are related to the run-on associated with the construction site location and whether additional BMPs measures are required to (1) meet BAT/BCT requirements; (2) reduce or prevent pollutants in storm water discharges from causing exceedances of receiving water objectives; and (3) what corrective action(s) were taken or will be taken with a description of the schedule for completion.

C. Receiving Water Monitoring Triggers

1. The receiving water monitoring triggers for Risk Level 3 dischargers with direct discharges to surface waters are triggered when the daily average effluent pH values during any site phase when there is a high risk of pH discharge¹² fall outside of the range of 6.0 and 9.0 pH units, or when the daily average effluent turbidity exceeds 500 NTU.

2. Risk Level 3 dischargers with with direct discharges to surface waters shall conduct receiving water monitoring whenever their effluent monitoring results exceed the receiving water monitoring triggers. If the pH trigger is exceeded, the receiving water shall be monitored for pH for the duration of coverage under this General Permit. If the turbidity trigger is exceeded, the receiving water shall be monitored for turbidity and SSC for the duration of coverage under this general permit.
3. Risk Level 3 dischargers with direct discharges to surfaces waters shall initiate receiving water monitoring when the triggers are exceeded unless the storm event causing the exceedance is determined after the fact to equal to or greater than the 5-year 24-hour storm (expressed in inches of rainfall) as determined by using these maps:

<http://www.wrcc.dri.edu/pcpnfreq/nca5y24.gif>
<http://www.wrcc.dri.edu/pcpnfreq/sca5y24.gif>

Verification of the 5-year 24-hour storm event shall be done by reporting on-site rain gauge readings as well as nearby governmental rain gauge readings.

4. If run-on is caused by a forest fire or any other natural disaster, then receiving water monitoring triggers do not apply.

¹² A period of high risk of pH discharge is defined as a project's complete utilities phase, complete vertical build phase, and any portion of any phase where significant amounts of materials are placed directly on the land at the site in a manner that could result in significant alterations of the background pH of the discharges.

VI. RECEIVING WATER LIMITATIONS

- A.** The discharger shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water will not adversely affect human health or the environment.
- B.** The discharger shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants in quantities that threaten to cause pollution or a public nuisance.
- C.** The discharger shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants that cause or contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).
- D.** Dischargers located within the watershed of a CWA § 303(d) impaired water body, for which a TMDL has been approved by the U.S. EPA, shall comply with the approved TMDL if it identifies "construction activity" or land disturbance as a source of the pollution.

VII. TRAINING QUALIFICATIONS AND CERTIFICATION REQUIREMENTS

A. General

The discharger shall ensure that all persons responsible for implementing requirements of this General Permit shall be appropriately trained in accordance with this Section. Training should be both formal and informal, occur on an ongoing basis, and should include training offered by recognized governmental agencies or professional organizations. Those responsible for preparing and amending SWPPPs shall comply with the requirements in this Section VII.

The discharger shall provide documentation of all training for persons responsible for implementing the requirements of this General Permit in the Annual Reports.

B. SWPPP Certification Requirements

1. **Qualified SWPPP Developer:** The discharger shall ensure that SWPPPs are written, amended and certified by a Qualified SWPPP Developer (QSD). A QSD shall have one of the following registrations or certifications, and appropriate experience, as required for:
 - a. A California registered professional civil engineer;
 - b. A California registered professional geologist or engineering geologist;
 - c. A California registered landscape architect;
 - d. A professional hydrologist registered through the American Institute of Hydrology;
 - e. A Certified Professional in Erosion and Sediment Control (CPESC)TM registered through Enviro Cert International, Inc.;
 - f. A Certified Professional in Storm Water Quality (CPSWQ)TM registered through Enviro Cert International, Inc.; or
 - g. A professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET).

Effective two years after the adoption date of this General Permit, a QSD shall have attended a State Water Board-sponsored or approved QSD training course.

2. The discharger shall list the name and telephone number of the currently designated Qualified SWPPP Developer(s) in the SWPPP.
3. **Qualified SWPPP Practitioner:** The discharger shall ensure that all BMPs required by this General Permit are implemented by a Qualified SWPPP Practitioner (QSP). A QSP is a person responsible for non-storm water and storm water visual observations, sampling and analysis. Effective two years from the date of adoption of this General Permit, a QSP shall be either a QSD or have one of the following certifications:
 - a. A certified erosion, sediment and storm water inspector registered through Enviro Cert International, Inc.; or
 - b. A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control, Inc.

Effective two years after the adoption date of this General Permit, a QSP shall have attended a State Water Board-sponsored or approved QSP training course.

4. The LRP shall list in the SWPPP, the name of any Approved Signatory, and provide a copy of the written agreement or other mechanism that provides this authority from the LRP in the SWPPP.
5. The discharger shall include, in the SWPPP, a list of names of all contractors, subcontractors, and individuals who will be directed by the Qualified SWPPP Practitioner. This list shall include telephone numbers and work addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers shall also be included.
6. The discharger shall ensure that the SWPPP and each amendment will be signed by the Qualified SWPPP Developer. The discharger shall include a listing of the date of initial preparation and the date of each amendment in the SWPPP.

VIII. RISK DETERMINATION

The discharger shall calculate the site's sediment risk and receiving water risk during periods of soil exposure (i.e. grading and site stabilization) and use the calculated risks to determine a Risk Level(s) using the methodology in

Appendix 1. For any site that spans two or more planning watersheds,¹³ the discharger shall calculate a separate Risk Level for each planning watershed. The discharger shall notify the State Water Board of the site's Risk Level determination(s) and shall include this determination as a part of submitting the PRDs. If a discharger ends up with more than one Risk Level determination, the Regional Water Board may choose to break the project into separate levels of implementation.

IX. RISK LEVEL 1 REQUIREMENTS

Risk Level 1 Dischargers shall comply with the requirements included in Attachment C of this General Permit.

X. RISK LEVEL 2 REQUIREMENTS

Risk Level 2 Dischargers shall comply with the requirements included in Attachment D of this General Permit.

XI. RISK LEVEL 3 REQUIREMENTS

Risk Level 3 Dischargers shall comply with the requirements included in Attachment E of this General Permit.

XII. ACTIVE TREATMENT SYSTEMS (ATS)

Dischargers choosing to implement an ATS on their site shall comply with all of the requirements in Attachment F of this General Permit.

¹³ Planning watershed: defined by the Calwater Watershed documents as a watershed that ranges in size from approximately 3,000 to 10,000 acres <http://cain.ice.ucdavis.edu/calwater/calwfaq.html>, <http://gis.ca.gov/catalog/BrowseRecord.epl?id=22175> .

XIII. POST-CONSTRUCTION STANDARDS

- A.** All dischargers shall comply with the following runoff reduction requirements unless they are located within an area subject to post-construction standards of an active Phase I or II municipal separate storm sewer system (MS4) permit that has an approved Storm Water Management Plan.
1. This provision shall take effect three years from the adoption date of this permit, or later at the discretion of the Executive Officer of the Regional Board.
 2. The discharger shall demonstrate compliance with the requirements of this section by submitting with their NOI a map and worksheets in accordance with the instructions in Appendix 2. The discharger shall use non-structural controls unless the discharger demonstrates that non-structural controls are infeasible or that structural controls will produce greater reduction in water quality impacts.
 3. The discharger shall, through the use of non-structural and structural measures as described in Appendix 2, replicate the pre-project water balance (for this permit, defined as the volume of rainfall that ends up as runoff) for the smallest storms up to the 85th percentile storm event (or the smallest storm event that generates runoff, whichever is larger). Dischargers shall inform Regional Water Board staff at least 30 days prior to the use of any structural control measure used to comply with this requirement. Volume that cannot be addressed using non-structural practices shall be captured in structural practices and approved by the Regional Water Board. When seeking Regional Board approval for the use of structural practices, dischargers shall document the infeasibility of using non-structural practices on the project site, or document that there will be fewer water quality impacts through the use of structural practices.
 4. For sites whose disturbed area exceeds two acres, the discharger shall preserve the pre-construction drainage density (miles of stream length per square mile of drainage area) for all drainage areas within the area serving a first order stream¹⁴ or larger stream and ensure that post-project time of runoff concentration is equal or greater than pre-project time of concentration.

¹⁴ A first order stream is defined as a stream with no tributaries.

- B.** All dischargers shall implement BMPs to reduce pollutants in storm water discharges that are reasonably foreseeable after all construction phases have been completed at the site (Post-construction BMPs).

XIV. SWPPP REQUIREMENTS

- A.** The discharger shall ensure that the Storm Water Pollution Prevention Plans (SWPPPs) for all traditional project sites are developed and amended or revised by a QSD. The SWPPP shall be designed to address the following objectives:
1. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion and all other activities associated with construction activity are controlled;
 2. Where not otherwise required to be under a Regional Water Board permit, all non-storm water discharges are identified and either eliminated, controlled, or treated;
 3. Site BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from construction activity to the BAT/BCT standard;
 4. Calculations and design details as well as BMP controls for site run-on are complete and correct, and
 5. Stabilization BMPs installed to reduce or eliminate pollutants after construction are completed.
- B.** To demonstrate compliance with requirements of this General Permit, the QSD shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.
- C.** The discharger shall make the SWPPP available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or Municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, current copies of the BMPs and map/drawing will be left with the field crew and the original SWPPP shall be made available via a request by radio/telephone.

XV. REGIONAL WATER BOARD AUTHORITIES

- A.** In the case where the Regional Water Board does not agree with the discharger's self-reported risk level (e.g., they determine themselves to be a Level 1 Risk when they are actually a Level 2 Risk site), Regional Water Boards may either direct the discharger to reevaluate the Risk Level(s) for their site or terminate coverage under this General Permit.
- B.** Regional Water Boards may terminate coverage under this General Permit for dischargers who fail to comply with its requirements or where they determine that an individual NPDES permit is appropriate.
- C.** Regional Water Boards may require dischargers to submit a Report of Waste Discharge / NPDES permit application for Regional Water Board consideration of individual requirements.
- D.** Regional Water Boards may require additional Monitoring and Reporting Program Requirements, including sampling and analysis of discharges to sediment-impaired water bodies.
- E.** Regional Water Boards may require dischargers to retain records for more than the three years required by this General Permit.

XVI. ANNUAL REPORTING REQUIREMENTS

- A.** All dischargers shall prepare and electronically submit an Annual Report no later than September 1 of each year.
- B.** The discharger shall certify each Annual Report in accordance with the Special Provisions.
- C.** The discharger shall retain an electronic or paper copy of each Annual Report for a minimum of three years after the date the annual report is filed.
- D.** The discharger shall include storm water monitoring information in the Annual Report consisting of:
 - 1. a summary and evaluation of all sampling and analysis results, including copies of laboratory reports;
 - 2. the analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as "less than the method detection limit");
 - 3. a summary of all corrective actions taken during the compliance year;
 - 4. identification of any compliance activities or corrective actions that were not implemented;
 - 5. a summary of all violations of the General Permit;
 - 6. the names of individual(s) who performed the facility inspections, sampling, visual observation (inspections), and/or measurements;
 - 7. the date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation (rain gauge); and
 - 8. the visual observation and sample collection exception records and reports specified in Attachments C, D, and E.
- E.** The discharger shall provide training information in the Annual Report consisting of:
 - 1. documentation of all training for individuals responsible for all activities associated with compliance with this General Permit;

2. documentation of all training for individuals responsible for BMP installation, inspection, maintenance, and repair; and
3. documentation of all training for individuals responsible for overseeing, revising, and amending the SWPPP.

**ATTACHMENT A
Linear Underground/ Overhead Requirements**

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All Linear Underground/Overhead project dischargers who submit permit registration documents (PRDs) indicating their intention to be regulated under the provisions of this General Permit shall comply with the following:

A. DEFINITION OF LINEAR UNDERGROUND/OVERHEAD PROJECTS

1. Linear Underground/Overhead Projects (LUPs) include, but are not limited to, any conveyance, pipe, or pipeline for the transportation of any gaseous, liquid (including water and wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio, or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to, (a) those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment, and associated ancillary facilities); and include, but are not limited to, (b) underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/tower pad and cable/wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/ or pavement repair or replacement, and stockpile/borrow locations.
2. LUP evaluation shall consist of two tasks:

- a. Confirm that the project or project section(s) qualifies as an LUP. The State Water Board website contains a project determination guidance flowchart.
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constructionpermits.shtml
 - b. Identify which Type(s) (1, 2 or 3 described in Section I below) are applicable to the project or project sections based on project sediment and receiving water risk. (See Attachment A.1)
- 3.** A Legally Responsible Person (LRP) for a Linear Underground/Overhead project is required to obtain CGP coverage under one or more permit registration document (PRD) electronic submittals to the State Water Board's Storm Water Multi-Application and Report Tracking (SMARTs) system. Attachment A.1 contains a flow chart to be used when determining if a linear project qualifies for coverage and to determine LUP Types. Since a LUP may be constructed within both developed and undeveloped locations and portions of LUPs may be constructed by different contractors, LUPs may be broken into logical permit sections. Sections may be determined based on portions of a project conducted by one contractor. Other situations may also occur, such as the time period in which the sections of a project will be constructed (e.g. project phases), for which separate permit coverage is possible. For projects that are broken into separate sections, a description of how each section relates to the overall project and the definition of the boundaries between sections shall be clearly stated.
- 4.** Where construction activities transverse or enter into different Regional Water Board jurisdictions, LRPs shall obtain permit coverage for each Regional Water Board area involved prior to the commencement of construction activities.
- 5.** Small Construction Rainfall Erosivity Waiver

EPA's Small Construction Erosivity Waiver applies to sites between one and five acres demonstrating that there are no adverse water quality impacts.

Dischargers eligible for a Rainfall Erosivity Waiver based on low erosivity potential shall complete the electronic Notice of Intent (NOI) and Sediment Risk form through the State Water Board's SMARTS system, certifying that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five. Where the LRP changes or another LRP is added during construction, the new LRP must also submit a waiver certification through the SMARTS system.

If a small linear construction site continues beyond the projected completion date given on the waiver certification, the LRP shall recalculate the rainfall erosivity factor for the new project duration and submit this information through the SMARTS system. If the new R factor is below five (5), the discharger shall update through SMARTS all applicable information on the waiver certification and retain a copy of the revised waiver onsite. The LRP shall submit the new waiver certification 30 days prior to the projected completion date listed on the original waiver form to assure exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, the LRP shall be required to apply for coverage under this Order.

B. LINEAR PROJECT PERMIT REGISTRATION DOCUMENTS (PRDs)

Any information provided to the Regional Water Board shall comply with the Homeland Security Act and any other federal law that concerns security in the United States; any information that does not comply should not be submitted. PRDs shall consist of the following:

1. Notice of Intent (NOI)

Prior to construction activities, the LRP of a proposed linear underground/overhead project shall utilize the processes and methods provided in Attachment A.2, Permit Registration Documents (PRDs) – General Instructions for Linear Underground/Overhead Projects to comply with the Construction General Permit.

2. Site Maps

LRPs submitting PRDs shall include at least 3 maps. The first map will be a zoomed¹ 1000-1500 ft vicinity map that shows the starting point of the project. The second will be a zoomed map of 1000-1500 ft showing the ending location of the project. The third will be a larger view vicinity map, 1000 ft to 2000 ft, displaying the entire project location depending on the project size, and indicating the LUP type (1, 2 or 3) areas within the total project footprint.

3. Drawings

LRPs submitting PRDs shall include a construction drawing(s) or other appropriate drawing(s) or map(s) that shows the locations of storm drain

¹ An image with a close-up/enhanced detailed view of site features that show minute details such as streets and neighboring structures.

Or: An image with a close-up/enhanced detailed view of the site's surrounding infrastructure.

Or: An image with a close up detailed view of the project and its surroundings.

inlets and waterbodies² that may receive discharges from the construction activities and that shows the locations of BMPs to be installed for all those BMPs that can be illustrated on the revisable drawing(s) or map(s). If storm drain inlets, waterbodies, and/or BMPs cannot be adequately shown on the drawing(s) or map(s) they should be described in detail within the SWPPP.

4. Storm Water Pollution Prevention Plan (SWPPP)

LUP dischargers shall comply with the SWPPP Preparation, Implementation, and Oversight requirements in Section K of this Attachment.

5. Contact information

LUP dischargers shall include contact information for all contractors (or subcontractors) responsible for each area of an LUP project. This should include the names, telephone numbers, and addresses of contact personnel. Specific areas of responsibility of each contact, and emergency contact numbers should also be included.

6. In the case of a public emergency that requires immediate construction activities, a discharger shall submit a brief description of the emergency construction activity within five days of the onset of construction, and then shall submit all PRDs within thirty days.

C. LINEAR PROJECT TERMINATION OF COVERAGE REQUIREMENTS

The LRP may terminate coverage of an LUP when construction activities are completed by submitting an electronic notice of termination (NOT) through the State Water Board's SMARTS system. Termination requirements are different depending on the complexity of the LUP. An LUP is considered complete when: (a) there is no potential for construction-related storm water pollution; (b) all elements of the SWPPP have been completed; (c) construction materials and waste have been disposed of properly; (d) the site is in compliance with all local storm water management requirements; and (e) the LRP submits a notice of termination (NOT) and has received approval for termination from the appropriate Regional Water Board office.

1. LUP Stabilization Requirements

The LUP discharger shall ensure that all disturbed areas of the construction site are stabilized prior to termination of coverage under this General Permit. Final stabilization for the purposes of submitting an NOT

² Includes basin(s) that the MS4 storm sewer systems may drain to for Hydromodification or Hydrological Conditional of Concerns under the MS4 permits.

is satisfied when all soil disturbing activities are completed and one of the following criteria is met:

- a. In disturbed areas that were vegetated prior to construction activities of the LUP, the area disturbed must be re-established to a uniform vegetative cover equivalent to 70 percent coverage of the preconstruction vegetative conditions. Where preconstruction vegetation covers less than 100 percent of the surface, such as in arid areas, the 70 percent coverage criteria is adjusted as follows: if the preconstruction vegetation covers 50 percent of the ground surface, 70 percent of 50 percent ($.70 \times .50 = .35$) would require 35 percent total uniform surface coverage; or
- b. Where no vegetation is present prior to construction, the site is returned to its original line and grade and/or compacted to achieve stabilization; or
- c. Equivalent stabilization measures have been employed. These measures include, but are not limited to, the use of such BMPs as blankets, reinforced channel liners, soil cement, fiber matrices, geotextiles, or other erosion resistant soil coverings or treatments.

2. LUP Termination of Coverage Requirements

The LRP shall file an NOT through the State Water Board's SMARTS system. By submitting an NOT, the LRP is certifying that construction activities for an LUP are complete and that the project is in full compliance with requirements of this General Permit and that it is now compliant with soil stabilization requirements where appropriate. Upon approval by the appropriate Regional Water Board office, permit coverage will be terminated.

3. Revising Coverage for Change of Acreage

When the LRP of a portion of an LUP construction project changes, or when a phase within a multi-phase project is completed, the LRP may reduce the total acreage covered by this General Permit. In reducing the acreage covered by this General Permit, the LRP shall electronically file revisions to the PRDs that include:

- a. a revised NOI indicating the new project size;
- b. a revised site map showing the acreage of the project completed, acreage currently under construction, acreage sold, transferred or added, and acreage currently stabilized.
- c. SWPPP revisions, as appropriate; and
- d. certification that any new LRPs have been notified of applicable requirements to obtain General Permit coverage. The certification shall include the name, address, telephone number, and e-mail address (if known) of the new LRP.

If the project acreage has increased, dischargers shall mail payment of revised annual fees within 14 days of receiving the revised annual fee notification.

D. DISCHARGE PROHIBITIONS

1. LUP dischargers shall not violate any discharge prohibitions contained in applicable Basin Plans or statewide water quality control plans. Waste discharges to Areas of Special Biological Significance (ASBS) are prohibited by the California Ocean Plan, unless granted an exception issued by the State Water Board.
2. LUP dischargers are prohibited from discharging non-storm water that is not otherwise authorized by this General Permit. Non-storm water discharges authorized by this General Permit³ may include, fire hydrant flushing, irrigation of vegetative erosion control measures, pipe flushing and testing, water to control dust, street cleaning, dewatering,⁴ uncontaminated groundwater from dewatering, and other discharges not subject to a separate general NPDES permit adopted by a Regional Water Board. Such discharges are allowed by this General Permit provided they are not relied upon to clean up failed or inadequate construction or post-construction BMPs designed to keep materials on site. These authorized non-storm water discharges:

³ Dischargers must identify all authorized non-storm water discharges in the LUP's SWPPP and identify BMPs that will be implemented to either eliminate or reduce pollutants in non-storm water discharges. Regional Water Boards may direct the discharger to discontinue discharging such non-storm water discharges if determined that such discharges discharge significant pollutants or threaten water quality.

⁴Dewatering activities may be prohibited or need coverage under a separate permit issued by the Regional Water Boards. Dischargers shall check with the appropriate Regional Water Boards for any required permit or basin plan conditions prior to initial dewatering activities to land, storm drains, or waterbodies.

- a. Shall not cause or contribute to a violation of any water quality standard;
- b. Shall not violate any other provision of this General Permit;
- c. Shall not violate any applicable Basin Plan;
- d. Shall comply with BMPs as described in the SWPPP;
- e. Shall not contain toxic constituents in toxic amounts or (other) significant quantities of pollutants;
- f. Shall be monitored and meets the applicable NALs; and
- g. Shall be reported by the discharger in the Annual Report.

If any of the above conditions are not satisfied, the discharge is not authorized by this General Permit. The discharger shall notify the Regional Water Board of any anticipated non-storm water discharges not authorized by this General Permit to determine the need for a separate NPDES permit.

Additionally, some LUP dischargers may be required to obtain a separate permit if the applicable Regional Water Board has adopted a General Permit for dewatering discharges. Wherever feasible, alternatives, that do not result in the discharge of non-storm water, shall be implemented in accordance with this Attachment's Section K.2 - SWPPP Implementation Schedule.

3. LUP dischargers shall ensure that trench spoils or any other soils disturbed during construction activities that are contaminated⁵ are not discharged with storm water or non-storm water discharges into any storm drain or water body except pursuant to an NPDES permit.

When soil contamination is found or suspected and a responsible party is not identified, or the responsible party fails to promptly take the appropriate action, the LUP discharger shall have those soils sampled and tested to ensure that proper handling and public safety measures are

⁵ Contaminated soil contains pollutants in concentrations that exceed the appropriate thresholds that various regulatory agencies set for those substances. Preliminary testing of potentially contaminated soils will be based on odor, soil discoloration, or prior history of the site's chemical use and storage and other similar factors. When soil contamination is found or suspected and a responsible party is not identified, or the responsible party fails to promptly take the appropriate action, the discharger shall have those soils sampled and tested to ensure proper handling and public safety measures are implemented. The legally responsible person will notify the appropriate local, State, or federal agency(ies) when contaminated soil is found at a construction site, and will notify the Regional Water Board by submitting an NOT at the completion of the project.

implemented. The LUP discharger shall notify the appropriate local, State, and federal agency(ies) when contaminated soil is found at a construction site, and will notify the appropriate Regional Water Board.

4. Discharging any pollutant-laden water that will cause or contribute to an exceedance of the applicable Regional Water Board's Basin Plan from a dewatering site or sediment basin into any receiving water or storm drain is prohibited.
5. Debris⁶ resulting from construction activities are prohibited from being discharged from construction project sites.

E. SPECIAL PROVISIONS

1. Duty to Comply

- a. The LUP discharger must comply with all of the conditions of this General Permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from General Permit coverage.
- b. The LUP discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this General Permit has not yet been modified to incorporate the requirement.

2. General Permit Actions

- a. This General Permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the discharger for a General Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any General Permit condition.

⁶ Litter, rubble, discarded refuse, and remains of something destroyed.

- b. If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this General Permit, this General Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for an LUP discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this General Permit.

4. Duty to Mitigate

The LUP discharger shall take all responsible steps to minimize or prevent any discharge in violation of this General Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

The LUP discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this General Permit and with the requirements of the Storm Water Pollution Prevention Plan (SWPPP). Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this General Permit.

6. Property Rights

This General Permit does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

7. Duty to Maintain Records and Provide Information

- a. The LUP discharger shall maintain a paper or electronic copy of all required records, including a copy of this General Permit, for three years from the date generated or date submitted, whichever is last. These records shall be kept at the construction site or in a crew

member's vehicle until construction is completed, and shall be made available upon request.

- b. The LUP discharger shall furnish the Regional Water Board, State Water Board, or USEPA, within a reasonable time, any requested information to determine compliance with this General Permit. The LUP discharger shall also furnish, upon request, copies of records that are required to be kept by this General Permit.

8. Inspection and Entry

The LUP discharger shall allow the Regional Water Board, State Water Board, USEPA, and/or, in the case of construction sites which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises at reasonable times where a regulated construction activity is being conducted or where records must be kept under the conditions of this General Permit;
- b. Access and copy at reasonable times any records that must be kept under the conditions of this General Permit;
- c. Inspect at reasonable times the complete construction site, including any off-site staging areas or material storage areas, and the erosion/sediment controls; and
- d. Sample or monitor at reasonable times for the purpose of ensuring General Permit compliance.

9. Electronic Signature and Certification Requirements

- a. All Permit Registration Documents (PRDs) and Notices of Termination (NOTs) shall be electronically signed, certified, and submitted via SMARTS to the State Water Board. Either the Legally Responsible Person (LRP), as defined in Appendix 5 – Glossary, or a person legally authorized to sign and certify PRDs and NOTs on behalf of the LRP (the LRP's Approved Signatory, as defined in Appendix 5 - Glossary) must submit all information electronically via SMARTS.
- b. Changes to Authorization. If an Approved Signatory's authorization is no longer accurate, a new authorization satisfying the requirements of paragraph (a) of this section must be submitted via SMARTS prior to or

together with any reports, information or applications to be signed by an Approved Signatory.

- c. All SWPPP revisions, annual reports, or other information required by the General Permit (other than PRDs and NOTs) or requested by the Regional Water Board, State Water Board, USEPA, or local storm water management agency shall be certified and submitted by the LRP or the LRP's Approved Signatory.

10. Certification

Any person signing documents under Section E.9 above, shall make the following certification:

"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 properly gather and evaluate 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, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Anticipated Noncompliance

The LUP discharger shall give advance notice to the Regional Water Board and local storm water management agency of any planned changes in the construction activity, which may result in noncompliance with General Permit requirements.

12. Penalties for Falsification of Reports

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this General Permit, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

13. Oil and Hazardous Substance Liability

Nothing in this General Permit shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the LUP discharger is or may be subject to under Section 311 of the CWA.

14. Severability

The provisions of this General Permit are severable; and, if any provision of this General Permit or the application of any provision of this General Permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this General Permit shall not be affected thereby.

15. Reopener Clause

This General Permit may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

16. Penalties for Violations of Permit Conditions

- a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500⁷ per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties, which in some cases are greater than those under the CWA.

17. Transfers

This General Permit is not transferable. A new LRP of an ongoing construction activity must submit PRDs in accordance with the requirements of this General Permit to be authorized to discharge under this General Permit. An LRP who is a property owner with active General Permit coverage who sells a fraction or all the land shall inform the new property owner(s) of the requirements of this General Permit.

18. Continuation of Expired Permit

This General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those

⁷ May be further adjusted in accordance with the Federal Civil Penalties Inflation Adjustment Act

dischargers authorized to discharge under the expiring General Permit are covered by the continued General Permit.

F. EFFLUENT STANDARDS & RECEIVING WATER MONITORING

1. Narrative Effluent Limitations

- a. LUP dischargers shall ensure that storm water discharges and authorized non-storm water discharges regulated by this General Permit do not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
- b. LUP dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of structural or non-structural controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.

Table 1. Numeric Action Levels, Test Methods, Detection Limits, and Reporting Units

Parameter	Test Method	Discharge Type	Min. Detection Limit	Units	Numeric Action Level
pH	Field test with calibrated portable instrument	LUP Type 2	0.2	pH units	lower NAL = 6.5 upper NAL = 8.5
		LUP Type 3			lower NAL = 6.5 upper NAL = 8.5
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	LUP Type 2	1	NTU	250 NTU
		LUP Type 3			250 NTU

2. Numeric Action Levels (NALs)

- a. For LUP Type 2 and 3 dischargers, the lower storm event daily average NAL for pH is 6.5 pH units and the upper storm event daily average NAL for pH is 8.5 pH units. The LUP discharger shall take actions as described below if the storm event daily average discharge is outside of this range of pH values.
- b. For LUP Type 2 and 3 dischargers, the storm event daily average NAL for turbidity is 250 NTU. The discharger shall take actions as described below if the storm event daily average discharge is outside of this range of turbidity values.
- c. Whenever daily average analytical effluent monitoring results indicate that the discharge is below the lower NAL for pH, exceeds the upper NAL for pH, or exceeds the turbidity NAL (as listed in Table 1), the LUP discharger shall conduct a construction site and run-on evaluation to determine whether pollutant source(s) associated with the site's construction activity may have caused or contributed to the NAL exceedance and shall immediately implement corrective actions if they are needed.
- d. The site evaluation will be documented in the SWPPP and specifically address whether the source(s) of the pollutants causing the exceedance of the NAL:
 - i. Are related to the construction activities and whether additional BMPs or SWPPP implementation measures are required to (1) meet BAT/BCT requirements; (2) reduce or prevent pollutants in storm water discharges from causing exceedances of receiving water objectives; and (3) determine what corrective action(s) were taken or will be taken and with a description of the schedule for completion.

AND/OR:

- ii. Are related to the run-on associated with the construction site location and whether additional BMPs or SWPPP implementation measures are required to (1) meet BAT/BCT requirements; (2) reduce or prevent pollutants in storm water discharges from causing exceedances of receiving water objectives; and (3) decide what corrective action(s) were taken or will be taken, including a description of the schedule for completion.

3. Receiving Water Monitoring Triggers

- a. The receiving water monitoring triggers for LUP Type 3 dischargers with direct discharges to surface waters are triggered when the daily average effluent pH values during any site phase when there is a high risk of pH discharge⁸ fall outside of the range of 6.0 and 9.0 pH units, or when the daily average effluent turbidity exceeds 500 NTU.
- b. LUP Type 3 dischargers with direct discharges to surface waters shall conduct receiving water monitoring whenever their effluent monitoring results exceed the receiving water monitoring triggers. If the pH trigger is exceeded, the receiving water shall be monitored for pH for the duration of coverage under this General Permit. If the turbidity trigger is exceeded, the receiving water shall be monitored for turbidity and SSC for the duration of coverage under this General Permit.
- c. LUP Type 3 dischargers with direct discharges to surface waters shall initiate receiving water monitoring when the triggers are exceeded unless the storm event causing the exceedance is determined after the fact to equal to or greater than the 5-year 24-hour storm (expressed in inches of rainfall) as determined by using these maps:

<http://www.wrcc.dri.edu/pcpnfreq/nca5y24.gif>
<http://www.wrcc.dri.edu/pcpnfreq/sca5y24.gif>

Verification of the 5-year 24-hour storm event shall be done by reporting on-site rain gauge readings as well as nearby governmental rain gauge readings.

- d. If run-on is caused by a forest fire or any other natural disaster, then receiving water monitoring triggers do not apply.

G. RECEIVING WATER LIMITATIONS

- 1. LUP dischargers shall ensure that storm water discharges and authorized non-storm water discharges to any surface or ground water will not adversely affect human health or the environment.
- 2. LUP dischargers shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants in quantities that threaten to cause pollution or a public nuisance.
- 3. LUP dischargers shall ensure that storm water discharges and authorized non-storm water discharges will not contain pollutants that cause or

⁸ A period of high risk of pH discharge is defined as a project's complete utilities phase, complete vertical build phase, and any portion of any phase where significant amounts of materials are placed directly on the land at the site in a manner that could result in significant alterations of the background pH of the discharges.

contribute to an exceedance of any applicable water quality objectives or water quality standards (collectively, WQS) contained in a Statewide Water Quality Control Plan, the California Toxics Rule, the National Toxics Rule, or the applicable Regional Water Board's Water Quality Control Plan (Basin Plan).

H. TRAINING QUALIFICATIONS

1. General

All persons responsible for implementing requirements of this General Permit shall be appropriately trained. Training should be both formal and informal, occur on an ongoing basis, and should include training offered by recognized governmental agencies or professional organizations. Persons responsible for preparing, amending and certifying SWPPPs shall comply with the requirements in this Section H.

2. SWPPP Certification Requirements

- a. **Qualified SWPPP Developer:** The LUP discharger shall ensure that all SWPPPs be written, amended and certified by a Qualified SWPPP Developer (QSD). A QSD shall have one of the following registrations or certifications, and appropriate experience, as required for:
 - i A California registered professional civil engineer;
 - ii A California registered professional geologist or engineering geologist;
 - iii A California registered landscape architect;
 - iv A professional hydrologist registered through the American Institute of Hydrology;
 - v A certified professional in erosion and sediment control (CPESC)TM registered through Enviro Cert International, Inc;
 - vi A certified professional in storm water quality (CPSWQ)TM registered through Enviro Cert International, Inc.; or
 - vii A certified professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET).

Effective two years after the adoption date of this General Permit, a QSD shall have attended a State Water Board-sponsored or approved QSD training course.

- b. The LUP discharger shall ensure that the SWPPP is written and amended, as needed, to address the specific circumstances for each construction site covered by this General Permit prior to commencement of construction activity for any stage.
- c. The LUP discharger shall list the name and telephone number of the currently designated Qualified SWPPP Developer(s) in the SWPPP.
- d. **Qualified SWPPP Practitioner:** The LUP discharger shall ensure that all elements of any SWPPP for each project will be implemented by a Qualified SWPPP Practitioner (QSP). A QSP is a person responsible for non-storm water and storm water visual observations, sampling and analysis, and for ensuring full compliance with the permit and implementation of all elements of the SWPPP. Effective two years from the date of adoption of this General Permit, a QSP shall be either a QSD or have one of the following certifications:
 - i. A certified erosion, sediment and storm water inspector registered through Certified Professional in Erosion and Sediment Control, Inc.; or
 - ii. A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control, Inc.

Effective two years after the adoption date of this General Permit, a QSP shall have attended a State Water Board-sponsored or approved QSP training course.

- e. The LUP discharger shall ensure that the SWPPP include a list of names of all contractors, subcontractors, and individuals who will be directed by the Qualified SWPPP Practitioner, and who is ultimately responsible for implementation of the SWPPP. This list shall include telephone numbers and work addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers shall also be included.
- f. The LUP discharger shall ensure that the SWPPP and each amendment be signed by the Qualified SWPPP Developer. The LUP discharger shall include a listing of the date of initial preparation and the dates of each amendment in the SWPPP.

I. TYPES OF LINEAR PROJECTS

This attachment establishes three types (Type 1, 2 & 3) of complexity for areas within an LUP or project section based on threat to water quality. Project area Types are determined through Attachment A.1.

The Type 1 requirements below establish the baseline requirements for all LUPs subject to this General Permit. Additional requirements for Type 2 and Type 3 LUPs are labeled.

1. Type 1 LUPs:

LUP dischargers with areas of a LUP designated as Type 1 shall comply with the requirements in this Attachment. Type 1 LUPs are:

- a. Those construction areas where 70 percent or more of the construction activity occurs on a paved surface and where areas disturbed during construction will be returned to preconstruction conditions or equivalent protection established at the end of the construction activities for the day; or
- b. Where greater than 30 percent of construction activities occur within the non-paved shoulders or land immediately adjacent to paved surfaces, or where construction occurs on unpaved improved roads, including their shoulders or land immediately adjacent to them where:
 - i. Areas disturbed during construction will be returned to preconstruction conditions or equivalent protection is established at the end of the construction activities for the day to minimize the potential for erosion and sediment deposition, and
 - ii. Areas where established vegetation was disturbed during construction will be stabilized and re-vegetated by the end of project. When required, adequate temporary stabilization BMPs will be installed and maintained until vegetation is established to meet minimum cover requirements established in this General Permit for final stabilization.
- c. Where the risk determination is as follows:
 - i. Low sediment risk, low receiving water risk, or
 - ii. Low sediment risk, medium receiving water risk, or
 - iii. Medium sediment risk, low receiving water risk

2. Type 2 LUPs:

Type 2 LUPs are determined by the Combined Risk Matrix in Attachment A.1. Type 2 LUPs have the specified combination of risk:

- d. High sediment risk, low receiving water risk, or
- e. Medium sediment risk, medium receiving water risk, or
- f. Low sediment risk, high receiving water risk

Receiving water risk is either considered “Low” for those areas of the project that are not in close proximity to a sensitive receiving watershed, “Medium” for those areas of the project within a sensitive receiving watershed yet outside of the flood plain of a sensitive receiving water body, and “High” where the soil disturbance is within close proximity to a sensitive receiving water body. Project sediment risk is calculated based on the Risk Factor Worksheet in Attachment C of this General Permit.

3. Type 3 LUPs:

Type 3 LUPs are determined by the Combined Risk Matrix in Attachment A.1. Type 3 LUPs have the specified combination of risk:

- a. High sediment risk, high receiving water risk, or
- b. High sediment risk, medium receiving water risk, or
- c. Medium sediment risk, high receiving water risk

Receiving water risk is either considered “Medium” for those areas of the project within a sensitive receiving watershed yet outside of the flood plain of a sensitive receiving water body, or “High” where the soil disturbance is within close proximity to a sensitive receiving water body. Project sediment risk is calculated based on the Risk Factor Worksheet in Attachment C.

J. LUP TYPE-SPECIFIC REQUIREMENTS**1. Effluent Standards**

- a. Narrative – LUP dischargers shall comply with the narrative effluent standards below.

- i Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
 - ii LUP dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- b. Numeric – LUP Type 1 dischargers are not subject to a numeric effluent standard
 - c. Numeric –LUP Type 2 dischargers are subject to a pH NAL of 6.5-8.5, and a turbidity NAL of 250 NTU.
 - d. Numeric – LUP Type 3 dischargers are subject to a pH NAL of 6.5-8.5, and a turbidity NAL of 250 NTU.

2. Good Site Management "Housekeeping"

- a. LUP dischargers shall implement good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum, the good housekeeping measures shall consist of the following:
 - i Identify the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - ii Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
 - iii Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
 - iv Minimize exposure of construction materials to precipitation (not applicable to materials designed to be outdoors and exposed to the environment).

- v Implement BMPs to control the off-site tracking of loose construction and landscape materials.
- b. LUP dischargers shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following:
 - i Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.
 - ii Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.
 - iii Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.
 - iv Cover waste disposal containers at the end of every business day and during a rain event.
 - v Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.
 - vi Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
 - vii Implement procedures that effectively address hazardous and non-hazardous spills.
 - viii Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require that:
 - (1) Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly; and
 - (2) Appropriate spill response personnel are assigned and trained.
 - ix Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.

- c. LUP dischargers shall implement good housekeeping for vehicle storage and maintenance, which, at a minimum, shall consist of the following:
- i Prevent oil, grease, or fuel from leaking into the ground, storm drains or surface waters.
 - ii Implement appropriate BMPs whenever equipment or vehicles are fueled, maintained or stored.
 - iii Clean leaks immediately and disposing of leaked materials properly.
- d. LUP dischargers shall implement good housekeeping for landscape materials, which, at a minimum, shall consist of the following:
- i Contain stockpiled materials such as mulches and topsoil when they are not actively being used.
 - ii Contain fertilizers and other landscape materials when they are not actively being used.
 - iii Discontinue the application of any erodible landscape material at least 2 days before a forecasted rain event⁹ or during periods of precipitation.
 - iv Applying erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.
 - v Stacking erodible landscape material on pallets and covering or storing such materials when not being used or applied.
- e. LUP dischargers shall conduct an assessment and create a list of potential pollutant sources and identify any areas of the site where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. This potential pollutant list shall be kept with the SWPPP and shall identify all non-visible pollutants which are known, or should be known, to occur on the construction site. At a minimum, when developing BMPs, LUP dischargers shall do the following:

⁹ 50% or greater chance of producing precipitation.

- i Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
 - ii Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
 - iii Consider the direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
 - iv Ensure retention of sampling, visual observation, and inspection records.
 - v Ensure effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
- f. LUP dischargers shall implement good housekeeping measures on the construction site to control the air deposition of site materials and from site operations.

3. Non-Storm Water Management

- a. LUP dischargers shall implement measures to control all non-storm water discharges during construction.
- b. LUP dischargers shall wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.
- c. LUP dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.

4. Erosion Control

- a. LUP dischargers shall implement effective wind erosion control.
- b. LUP dischargers shall provide effective soil cover for inactive¹⁰ areas and all finished slopes, and utility backfill.

¹⁰ Areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days

- c. LUP dischargers shall limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation.

5. Sediment Controls

- a. LUP dischargers shall establish and maintain effective perimeter controls as needed, and implement effective BMPs for all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. On sites where sediment basins are to be used, LUP dischargers shall, at minimum, design sediment basins according to the guidance provided in CASQA's Construction BMP Handbook.
- c. **Additional LUP Type 2 & 3 Requirement:** LUP Type 2 & 3 dischargers shall apply linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow lengths¹¹ in accordance with Table 2 below.

Table 2 – Critical Slope/Sheet Flow Length Combinations

Slope Percentage	Sheet flow length not to exceed
0-25%	20 feet
25-50%	15 feet
Over 50%	10 feet

- d. **Additional LUP Type 2 & 3 Requirement:** LUP Type 2 & 3 dischargers shall ensure that construction activity traffic to and from the project is limited to entrances and exits that employ effective controls to prevent off-site tracking of sediment.
- e. **Additional LUP Type 2 & 3 Requirement:** LUP Type 2 & 3 dischargers shall ensure that all storm drain inlets and perimeter controls, runoff control BMPs, and pollutant controls at entrances and exits (e.g. tire washoff locations) are maintained and protected from activities that reduce their effectiveness.
- f. **Additional LUP Type 2 & 3 Requirement:** LUP Type 2 & 3 dischargers shall inspect all immediate access roads. At a minimum daily and prior to any rain event, the discharger shall remove any

¹¹ Sheet flow length is the length that shallow, low velocity flow travels across a site.

sediment or other construction activity-related materials that are deposited on the roads (by vacuuming or sweeping).

- g. **Additional LUP Type 3 Requirement:** The Regional Water Board may require LUP Type 3 dischargers to implement additional site-specific sediment control requirements if the implementation of the other requirements in this section are not adequately protecting the receiving waters.

6. Run-on and Run-off Controls

- a. LUP dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this Attachment.
- b. Run-on and runoff controls are not required for Type 1 LUPs unless the evaluation of quantity and quality of run-on and runoff deems them necessary or visual inspections show that the site requires such controls.

7. Inspection, Maintenance and Repair

- a. All inspection, maintenance repair and sampling activities at the discharger's LUP location shall be performed or supervised by a QSP representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
- b. LUP dischargers shall conduct visual inspections and observations daily during working hours (not recorded). At least once each 24-hour period during extended storm events, **LUP Type 2 & 3 dischargers** shall conduct visual inspections to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP.
- c. Upon identifying failures or other shortcomings, as directed by the QSP, LUP dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- d. For each pre- and post-rain event inspection required, LUP dischargers shall complete an inspection checklist, using a form provided by the State Water Board or Regional Water Board or in an alternative format that includes the information described below.

- e. The LUP discharger shall ensure that the checklist remains on-site or with the SWPPP. At a minimum, an inspection checklist should include:
 - i Inspection date and date the inspection report was written.
 - ii Weather information, including presence or absence of precipitation, estimate of beginning of qualifying storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall in inches.
 - iii Site information, including stage of construction, activities completed, and approximate area of the site exposed.
 - iv A description of any BMPs evaluated and any deficiencies noted.
 - v If the construction site is safely accessible during inclement weather, list the observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and any projected maintenance activities.
 - vi Report the presence of noticeable odors or of any visible sheen on the surface of any discharges.
 - vii Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.
 - viii Photographs taken during the inspection, if any.
 - ix Inspector's name, title, and signature.

K. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS

1. Objectives

SWPPPs for all LUPs shall be developed and amended or revised by a QSD. The SWPPP shall be designed to address the following objectives:

- a. All pollutants and their sources, including sources of sediment, associated with construction activities associated with LUP activity are controlled;
- b. All non-storm water discharges are identified and either eliminated, controlled, or treated;
- c. BMPs are effective and result in the reduction or elimination of pollutants in storm water discharges and authorized non-storm water discharges from LUPs during construction; and
- d. Stabilization BMPs installed to reduce or eliminate pollutants after construction is completed are effective and maintained.

2. SWPPP Implementation Schedule

- a. LUPs for which PRDs have been submitted to the State Water Board shall develop a site/project location SWPPP prior to the start of land-disturbing activity in accordance with this Section and shall implement the SWPPP concurrently with commencement of soil-disturbing activities.
- b. For an ongoing LUP involving a change in the LRP, the new LRP shall review the existing SWPPP and amend it, if necessary, or develop a new SWPPP within 15 calendar days to conform to the requirements set forth in this General Permit.

3. Availability

The SWPPP shall be available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or Municipal inspector. When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, copies of the BMPs and map/drawing will be left with the field crew and the original SWPPP shall be made available via a request by radio/telephone.

L. REGIONAL WATER BOARD AUTHORITIES

1. Regional Water Boards shall administer the provisions of this General Permit. Administration of this General Permit may include, but is not limited to, requesting the submittal of SWPPPs, reviewing SWPPPs, reviewing monitoring and sampling and analysis reports, conducting compliance inspections, gathering site information by any medium including sampling, photo and video documentation, and taking enforcement actions.
2. Regional Water Boards may terminate coverage under this General Permit for dischargers who fail to comply with its requirements or where they determine that an individual NPDES permit is appropriate.
3. Regional Water Boards may issue separate permits for discharges of storm water associated with construction activity to individual dischargers, categories of dischargers, or dischargers in a geographic area. Upon issuance of such permits by a Regional Water Board, dischargers subject to those permits shall no longer be regulated by this General Permit.
4. Regional Water Boards may direct the discharger to reevaluate the LUP Type(s) for the project (or elements/areas of the project) and impose the appropriate level of requirements.
5. Regional Water Boards may terminate coverage under this General Permit for dischargers who negligently or with willful intent incorrectly determine or report their LUP Type (e.g., they determine themselves to be a LUP Type 1 when they are actually a Type 2).
6. Regional Water Boards may review PRDs and reject or accept applications for permit coverage or may require dischargers to submit a Report of Waste Discharge / NPDES permit application for Regional Water Board consideration of individual requirements.
7. Regional Water Boards may impose additional requirements on dischargers to satisfy TMDL implementation requirements or to satisfy provisions in their Basin Plans.
8. Regional Water Boards may require additional Monitoring and Reporting Program Requirements, including sampling and analysis of discharges to sediment-impaired water bodies.
9. Regional Water Boards may require dischargers to retain records for more than the three years required by this General Permit.

- 10.** Based on an LUP's threat to water quality and complexity, the Regional Water Board may determine on a case-by-case basis that an LUP, or a portion of an LUP, is not eligible for the linear project requirements contained in this Attachment, and require that the discharger comply with all standard requirements in this General Permit.

- 11.** The Regional Water Board may require additional monitoring and reporting program requirements including sampling and analysis of discharges to CWA § 303(d)-listed water bodies. Additional requirements imposed by the Regional Water Board shall be consistent with the overall monitoring effort in the receiving waters.

M. MONITORING AND REPORTING REQUIREMENTS

Table 3. LUP Summary of Monitoring Requirements

LUP Type	Visual Inspections				Sample Collection		
	Daily Site BMP	Pre-storm Event	Daily Storm BMP	Post Storm	Storm Water Discharge	Receiving Water	Non-Visible (when applicable)
		Baseline					
1	X						X
2	X	X	X	X	X		X
3	X	X	X	X	X	X	X

1. Objectives

LUP dischargers shall prepare a monitoring and reporting program (M&RP) prior to the start of construction and immediately implement the program at the start of construction for LUPs. The monitoring program must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. The M&RP must be a part of the SWPPP, included as an appendix or separate SWPPP chapter.

2. M&RP Implementation Schedule

- a. LUP dischargers shall implement the requirements of this Section at the time of commencement of construction activity. LUP dischargers are responsible for implementing these requirements until construction activity is complete and the site is stabilized.
- b. LUP dischargers shall revise the M&RP when:
 - i. Site conditions or construction activities change such that a change in monitoring is required to comply with the requirements and intent of this General Permit.
 - ii. The Regional Water Board requires the discharger to revise its M&RP based on its review of the document. Revisions may include, but not be limited to, conducting additional site inspections, submitting reports, and certifications. Revisions shall be submitted via postal mail or electronic e-mail.

- iii The Regional Water Board may require additional monitoring and reporting program requirements including sampling and analysis of discharges to CWA § 303(d)-listed water bodies. Additional requirements imposed by the Regional Water Board shall be consistent with the overall monitoring effort in the receiving waters.

3. LUP Type 1 Monitoring and Reporting Requirements

a. LUP Type 1 Inspection Requirements

- i LUP Type 1 dischargers shall ensure that all inspections are conducted by trained personnel. The name(s) and contact number(s) of the assigned inspection personnel should be listed in the SWPPP.
- ii LUP Type 1 dischargers shall ensure that all visual inspections are conducted daily during working hours and in conjunction with other daily activities in areas where active construction is occurring.
- iii LUP Type 1 dischargers shall ensure that photographs of the site taken before, during, and after storm events are taken during inspections, and submitted through the State Water Board's SMARTS website once every three rain events.
- iv LUP Type 1 dischargers shall conduct daily visual inspections to verify that:
 - (1) Appropriate BMPs for storm water and non-storm water are being implemented in areas where active construction is occurring (including staging areas);
 - (2) Project excavations are closed, with properly protected spoils, and that road surfaces are cleaned of excavated material and construction materials such as chemicals by either removing or storing the material in protective storage containers at the end of every construction day;
 - (3) Land areas disturbed during construction are returned to pre-construction conditions or an equivalent protection is used at the end of each workday to eliminate or minimize erosion and the possible discharge of sediment or other pollutants during a rain event.
- v Inspections may be discontinued in non-active construction areas where soil-disturbing activities are completed and final soil stabilization is achieved (e.g., paving is completed, substructures

are installed, vegetation meets minimum cover requirements for final stabilization, or other stabilization requirements are met).

- vi Inspection programs are required for LUP Type 1 projects where temporary and permanent stabilization BMPs are installed and are to be monitored after active construction is completed. Inspection activities shall continue until adequate permanent stabilization is established and, in areas where re-vegetation is chosen, until minimum vegetative coverage is established in accordance with Section C.1 of this Attachment.

b. LUP Type 1 Monitoring Requirements for Non-Visible Pollutants

LUP Type 1 dischargers shall implement sampling and analysis requirements to monitor non-visible pollutants associated with (1) construction sites; (2) activities producing pollutants that are not visually detectable in storm water discharges; and (3) activities which could cause or contribute to an exceedance of water quality objectives in the receiving waters.

- i Sampling and analysis for non-visible pollutants is only required where the LUP Type 1 discharger believes pollutants associated with construction activities have the potential to be discharged with storm water runoff due to a spill or in the event there was a breach, malfunction, failure and/or leak of any BMP. Also, failure to implement BMPs may require sample collection.
 - (1) Visual observations made during the monitoring program described above will help the LUP Type 1 discharger determine when to collect samples.
 - (2) The LUP Type 1 discharger is not required to sample if one of the conditions described above (e.g., breach or spill) occurs and the site is cleaned of material and pollutants and/or BMPs are implemented prior to the next storm event.
- ii LUP Type 1 dischargers shall collect samples down-gradient from all discharge locations where the visual observations were made triggering the monitoring, and which can be safely accessed. For sites where sampling and analysis is required, personnel trained in water quality sampling procedures shall collect storm water samples.
- iii If sampling for non-visible pollutant parameters is required, LUP Type 1 dischargers shall ensure that samples be analyzed for parameters indicating the presence of pollutants identified in the pollutant source assessment required in Section J.2.a.i.

- iv LUP Type 1 dischargers shall collect samples during the first two hours of discharge from rain events that occur during business hours and which generate runoff.
 - v LUP Type 1 dischargers shall ensure that a sufficiently large sample of storm water that has not come into contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample¹²) will be collected for comparison with the discharge sample. Samples shall be collected during the first two hours of discharge from rain events that occur during daylight hours and which generate runoff.
 - vi LUP Type 1 dischargers shall compare the uncontaminated sample to the samples of discharge using field analysis or through laboratory analysis. Analyses may include, but are not limited to, indicator parameters such as: pH, specific conductance, dissolved oxygen, conductivity, salinity, and Total Dissolved Solids (TDS).
 - vii For laboratory analyses, all sampling, sample preservation, and other analyses must be conducted according to test procedures pursuant to 40 C.F.R. Part 136. LUP Type 1 dischargers shall ensure that field samples are collected and analyzed according to manufacturer specifications of the sampling devices employed. Portable meters shall be calibrated according to manufacturer's specification.
 - viii LUP Type 1 dischargers shall ensure that all field and/or analytical data are kept in the SWPPP document.
- c. LUP Type 1 Visual Observation Exceptions
- i LUP Type 1 dischargers shall be prepared to collect samples and conduct visual observation (inspections) to meet the minimum visual observation requirements of this Attachment. The Type 1 LUP discharger is not required to physically collect samples or conduct visual observation (inspections) under the following conditions:
 - (1) During dangerous weather conditions such as flooding and electrical storms;
 - (2) Outside of scheduled site business hours.
 - (3) When access to the site is unsafe due to storm events.

¹² Sample collected at a location unaffected by construction activities.

- ii If the LUP Type 1 discharger does not collect the required samples or visual observation (inspections) due to these exceptions, an explanation why the sampling or visual observation (inspections) were not conducted shall be included in both the SWPPP and the Annual Report.
- d. Particle Size Analysis for Risk Justification

LUP Type 1 dischargers utilizing justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and clay on the site.

4. LUP Type 2 & 3 Monitoring and Reporting Requirements

- a. LUP Type 2 & 3 Inspection Requirements
- i LUP Type 2 & 3 dischargers shall ensure that all inspections are conducted by trained personnel. The name(s) and contact number(s) of the assigned inspection personnel should be listed in the SWPPP.
 - ii LUP Type 2 & 3 dischargers shall ensure that all visual inspections are conducted daily during working hours and in conjunction with other daily activities in areas where active construction is occurring.
 - iii LUP Type 2 & 3 dischargers shall ensure that photographs of the site taken before, during, and after storm events are taken during inspections, and submitted through the State Water Board's SMARTS website once every three rain events.
 - iv LUP Type 2 & 3 dischargers shall conduct daily visual inspections to verify that appropriate BMPs for storm water and non-storm water are being implemented and in place in areas where active construction is occurring (including staging areas).
 - v LUP Type 2 & 3 dischargers shall conduct inspections of the construction site prior to anticipated storm events, during extended storm events, and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity. Pre-storm inspections are to ensure that BMPs are properly installed and maintained; post-storm inspections are to assure that BMPs have functioned adequately. During

extended storm events, inspections shall be required during normal working hours for each 24-hour period.

- vi Inspections may be discontinued in non-active construction areas where soil-disturbing activities are completed and final soil stabilization is achieved (e.g., paving is completed, substructures are installed, vegetation meets minimum cover requirements for final stabilization, or other stabilization requirements are met).
- vii LUP Type 2 & 3 dischargers shall implement a monitoring program for inspecting projects that require temporary and permanent stabilization BMPs after active construction is complete. Inspections shall ensure that the BMPs are adequate and maintained. Inspection activities shall continue until adequate permanent stabilization is established and, in vegetated areas, until minimum vegetative coverage is established in accordance with Section C.1 of this Attachment.
- viii If possible, LUP Type 2 & 3 dischargers shall install a rain gauge on-site at an accessible and secure location with readings made during all storm event inspections. When readings are unavailable, data from the closest rain gauge with publically available data may be used.
- ix LUP Type 2 & 3 dischargers shall include and maintain a log of the inspections conducted in the SWPPP. The log will provide the date and time of the inspection and who conducted the inspection.

b. LUP Type 2 & 3 Storm Water Effluent Monitoring Requirements

Table 4. LUP Type 2 & 3 Effluent Monitoring Requirements

LUP Type	Frequency	Effluent Monitoring
2	Minimum of 3 samples per day characterizing discharges associated with construction activity from the project active areas of construction.	Turbidity, pH, and non-visible pollutant parameters (if applicable)
3	Minimum of 3 samples per day characterizing discharges associated with construction activity from the project active areas of construction.	turbidity, pH, and non-visible pollutant parameters (if applicable)

- i LUP Type 2 & 3 dischargers shall collect storm water grab samples from sampling locations characterizing discharges associated with activity from the LUP active areas of construction. At a minimum, 3 samples shall be collected per day of discharge.

- ii LUP Type 2 & 3 dischargers shall collect samples of stored or contained storm water that is discharged subsequent to a storm event producing precipitation of ½ inch or more at the time of discharge.
- iii LUP Type 2 & 3 dischargers shall ensure that storm water grab sample(s) obtained be representative of the flow and characteristics of the discharge.
- iv LUP Type 2 & 3 dischargers shall analyze their effluent samples for:
 - (1) pH and turbidity
 - (2) Any additional parameter for which monitoring is required by the Regional Water Board.

c. LUP Type 2 & 3 Storm Water Effluent Sampling Locations

- i LUP Type 2 & 3 dischargers shall perform sampling and analysis of storm water discharges to characterize discharges associated with construction activity from the entire disturbed project or area.
- ii LUP Type 2 & 3 dischargers may monitor and report run-on from surrounding areas if there is reason to believe run-on may contribute to exceedance of NALs.
- iii LUP Type 2 & 3 dischargers shall select analytical test methods from the list provided in Table 5 below.
- iv LUP Type 2 & 3 dischargers shall ensure that all storm water sample collection preservation and handling shall be conducted in accordance with the “Storm Water Sample Collection and Handling Instructions” below.

d. LUP Type 3 Receiving Water Monitoring Requirements

- i In the event that an LUP Type 3 discharger’s effluent exceeds the receiving water monitoring triggers of 500 NTU turbidity or pH range of 6.0-9.0, contained in this General Permit and has a direct discharge to receiving waters, the LUP discharger shall subsequently sample Receiving Waters (RWs) for turbidity, pH (if applicable) and SSC for the duration of coverage under this General Permit. In the event that an LUP Tupe 3 discharger utilizing ATS with direct discharges into receiving waters discharges effluent that exceeds the NELs in this permit, the discharger shall

subsequently sample RWs for turbidity, pH (if applicable), and SSC for the duration of coverage under this General Permit.

- ii LUP Type 3 dischargers that meet the project criteria in Appendix 3 of this General Permit and have more than 30 acres of soil disturbance in the project area or project section area designated as Type 3, shall comply with the Bioassessment requirements prior to commencement of construction activity.
 - iii LUP Type 3 dischargers shall obtain RW samples in accordance with the requirements of the Receiving Water Sampling Locations section (Section M.4.c. of this Attachment).
- e. LUP Type 3 Receiving Water Sampling Locations
- i **Upstream/up-gradient RW samples:** LUP Type 3 dischargers shall obtain any required upstream/up-gradient receiving water samples from a representative and accessible location as close as possible to and upstream from the effluent discharge point.
 - ii **Downstream/down-gradient RW samples:** LUP Type 3 dischargers shall obtain any required downstream/down-gradient receiving water samples from a representative and accessible location as close as possible to and downstream from the effluent discharge point.
 - iii If two or more discharge locations discharge to the same receiving water, LUP Type 3 dischargers may sample the receiving water at a single upstream and downstream location.

f. LUP Type 2 & 3 Monitoring Requirements for Non-Visible Pollutants

LUP Type 2 & 3 dischargers shall implement sampling and analysis requirements to monitor non-visible pollutants associated with (1) construction sites; (2) activities producing pollutants that are not visually detectable in storm water discharges; and (3) activities which could cause or contribute to an exceedance of water quality objectives in the receiving waters.

- i Sampling and analysis for non-visible pollutants is only required where LUP Type 2 & 3 dischargers believe pollutants associated with construction activities have the potential to be discharged with storm water runoff due to a spill or in the event there was a breach, malfunction, failure and/or leak of any BMP. Also, failure to implement BMPs may require sample collection.

- (1) Visual observations made during the monitoring program described above will help LUP Type 2 & 3 dischargers determine when to collect samples.
 - (2) LUP Type 2 & 3 dischargers are not required to sample if one of the conditions described above (e.g., breach or spill) occurs and the site is cleaned of material and pollutants and/or BMPs are implemented prior to the next storm event.
- ii LUP Type 2 & 3 dischargers shall collect samples down-gradient from the discharge locations where the visual observations were made triggering the monitoring and which can be safely accessed. For sites where sampling and analysis is required, personnel trained in water quality sampling procedures shall collect storm water samples.
 - iii If sampling for non-visible pollutant parameters is required, LUP Type 2 & 3 dischargers shall ensure that samples be analyzed for parameters indicating the presence of pollutants identified in the pollutant source assessment required in Section J.2.a.i.
 - iv LUP Type 2 & 3 dischargers shall collect samples during the first two hours of discharge from rain events that occur during business hours and which generate runoff.
 - v LUP Type 2 & 3 dischargers shall ensure that a sufficiently large sample of storm water that has not come into contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample¹³) will be collected for comparison with the discharge sample. Samples shall be collected during the first two hours of discharge from rain events that occur during daylight hours and which generate runoff.
 - vi LUP Type 2 & 3 dischargers shall compare the uncontaminated sample to the samples of discharge using field analysis or through laboratory analysis. Analyses may include, but are not limited to, indicator parameters such as: pH, specific conductance, dissolved oxygen, conductivity, salinity, and Total Dissolved Solids (TDS).
 - vii For laboratory analyses, all sampling, sample preservation, and other analyses must be conducted according to test procedures pursuant to 40 C.F.R. Part 136. LUP Type 2 & 3 dischargers shall ensure that field samples are collected and analyzed according to manufacturer specifications of the sampling devices employed.

¹³ Sample collected at a location unaffected by construction activities

Portable meters shall be calibrated according to manufacturer's specification.

viii LUP Type 2 & 3 dischargers shall ensure that all field and/or analytical data are kept in the SWPPP document.

g. LUP Type 2 & 3 Visual Observation and Sample Collection Exceptions

i LUP Type 2 & 3 dischargers shall be prepared to collect samples and conduct visual observation (inspections) to meet the minimum visual observation requirements of this Attachment. Type 2 & 3 LUP dischargers are not required to physically collect samples or conduct visual observation (inspections) under the following conditions:

(1) During dangerous weather conditions such as flooding and electrical storms;

(2) Outside of scheduled site business hours.

(3) When access to the site is unsafe due to storm events.

ii If the LUP Type 2 or 3 discharger does not collect the required samples or visual observation (inspections) due to these exceptions, an explanation why the sampling or visual observation (inspections) were not conducted shall be included in both the SWPPP and the Annual Report.

h. LUP Type 2 & 3 Storm Water Sample Collection and Handling Instructions

LUP Type 2 & 3 dischargers shall refer to Table 5 below for test Methods, detection Limits, and reporting Units. During storm water sample collection and handling, the LUP Type 2 & 3 discharger shall:

i Identify the parameters required for testing and the number of storm water discharge points that will be sampled. Request the laboratory to provide the appropriate number of sample containers, types of containers, sample container labels, blank chain of custody forms, and sample preservation instructions.

ii Determine how to ship the samples to the laboratory. The testing laboratory should receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory). The options are to either deliver the samples to the laboratory, arrange to have the laboratory pick them up, or ship them overnight to the laboratory.

- iii Use only the sample containers provided by the laboratory to collect and store samples. Use of any other type of containers could contaminate your samples.
- iv Prevent sample contamination, by not touching, or putting anything into the sample containers before collecting storm water samples.
- v Not overfilling sample containers. Overfilling can change the analytical results.
- vi Tightly screw the cap of each sample container without stripping the threads of the cap.
- vii Complete and attach a label to each sample container. The label shall identify the date and time of sample collection, the person taking the sample, and the sample collection location or discharge point. The label should also identify any sample containers that have been preserved.
- viii Carefully pack sample containers into an ice chest or refrigerator to prevent breakage and maintain temperature during shipment. Remember to place frozen ice packs into the shipping container. Samples should be kept as close to 4° C (39° F) as possible until arriving at the laboratory. Do not freeze samples.
- ix Complete a Chain of Custody form for each set of samples. The Chain of Custody form shall include the discharger's name, address, and phone number, identification of each sample container and sample collection point, person collecting the samples, the date and time each sample container was filled, and the analysis that is required for each sample container.
- x Upon shipping/delivering the sample containers, obtain both the signatures of the persons relinquishing and receiving the sample containers.
- xi Designate and train personnel to collect, maintain, and ship samples in accordance with the above sample protocols and good laboratory practices.
- xii Refer to the Surface Water Ambient Monitoring Program's (SWAMP) 2008 Quality Assurance Program Plan (QAPrP) for more

information on sampling collection and analysis. See http://www.waterboards.ca.gov/water_issues/programs/swamp/¹⁴

Table 5. Test Methods, Detection Limits, Reporting Units and Applicable NALs

Parameter	Test Method	Discharge Type	Min. Detection Limit	Reporting Units	Numeric Action Levels	(LUP Type 3) Receiving Water Monitoring Trigger
pH	Field test with calibrated portable instrument	Type 2 & 3	0.2	pH units	Lower = 6.5 upper = 8.5	Lower = 6.0 upper = 9.0
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Type 2 & 3	1	NTU	250 NTU	500 NTU
SSC	ASTM Method D 3977-97 ¹⁵	Type 3 if Receiving Water Monitoring Trigger is exceeded	5	Mg/L	N/A	N/A
Bioassessment	(STE) Level I of (SAFIT), ¹⁶ fixed-count of 600 org/sample	Type 3 LUPs > 30 acres	N/A	N/A	N/A	N/A

i. LUP Type 2 & 3 Monitoring Methods

i The LUP Type 2 or 3 discharger’s project M&RP shall include a description of the following items:

- (1) Visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures.

¹⁴ Additional information regarding SWAMP’s QAPrP can be found at: http://www.waterboards.ca.gov/water_issues/programs/swamp/.

¹⁵ ASTM, 1999, Standard Test Method for Determining Sediment Concentration in Water Samples: American Society of Testing and Materials, D 3977-97, Vol. 11.02, pp. 389-394

¹⁶ The current SAFIT STEs (28 November 2006) list requirements for both the Level I and Level II taxonomic effort, and are located at: http://www.swrcb.ca.gov/swamp/docs/safit/ste_list.pdf. When new editions are published by SAFIT, they will supersede all previous editions. All editions will be posted at the State Water Board’s SWAMP website.

- (2) Sampling locations, and sample collection and handling procedures. This shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. Dischargers shall attach to the monitoring program a copy of the Chain of Custody form used when handling and shipping samples.
 - (3) Identification of the analytical methods and related method detection limits (if applicable) for each parameter required in Section M.4.f above.
- ii LUP Type 2 & 3 dischargers shall ensure that all sampling and sample preservation be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a discharger's own field instruments for measuring pH and turbidity) shall be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. All laboratory analyses shall be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the Regional Water Board. With the exception of field analysis conducted by the discharger for turbidity and pH, all analyses shall be sent to and conducted at a laboratory certified for such analyses by the State Department of Health Services (SSC exception). The LUP discharger shall conduct its own field analysis of pH and may conduct its own field analysis of turbidity if the discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.
- j. LUP Type 2 & 3 Analytical Methods

LUP Type 2 & 3 dischargers shall refer to Table 5 above for test Methods, detection Limits, and reporting Units.

- i **pH:** LUP Type 2 & 3 dischargers shall perform pH analysis on-site with a calibrated pH meter or pH test kit. The LUP discharger shall record pH monitoring results on paper and retain these records in accordance with Section M.4.o, below.
- ii **Turbidity:** LUP Type 2 & 3 dischargers shall perform turbidity analysis using a calibrated turbidity meter (turbidimeter), either on-site or at an accredited lab. Acceptable test methods include Standard Method 2130 or USEPA Method 180.1. The results shall

be recorded in the site log book in Nephelometric Turbidity Units (NTU).

- iii **Suspended sediment concentration (SSC):** LUP Type 3 dischargers exceeding the turbidity Receiving Water Monitoring Trigger, shall perform SSC analysis using ASTM Method D3977-97.
- iv **Bioassessment:** LUP Type 3 dischargers shall perform bioassessment sampling and analysis according to Appendix 3 of this General Permit.

k. Watershed Monitoring Option

If an LUP Type 2 or 3 discharger is part of a qualified regional watershed-based monitoring program the LUP Type 2 or 3 discharger may be eligible for relief from the monitoring requirements in this Attachment. The Regional Water Board may approve proposals to substitute an acceptable watershed-based monitoring program if it determines that the watershed-based monitoring program will provide information to determine each discharger's compliance with the requirements of this General Permit.

l. Particle Size Analysis for Risk Justification

LUP Type 2 & 3 dischargers justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and clay on the site.

m. NAL Exceedance Report

- i In the event that any effluent sample exceeds an applicable NAL, the Regional Water Boards may require LUP Type 2 & 3 dischargers to submit NAL Exceedance Reports.
- ii LUP Type 2 & 3 dischargers shall certify each NAL Exceedance Report in accordance with the Special Provisions for Construction Activity.
- iii LUP Type 2 & 3 dischargers shall retain an electronic or paper copy of each NAL Exceedance Report for a minimum of three years after the date the exceedance report is filed.
- iv LUP Type 2 & 3 dischargers shall include in the NAL Exceedance Report:

- (1) the analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as “less than the method detection limit”); and
- (2) the date, place, time of sampling, visual observation (inspections), and/or measurements, including precipitation.
- (3) Description of the current BMPs associated with the effluent sample that exceeded the NAL and the proposed corrective actions taken.

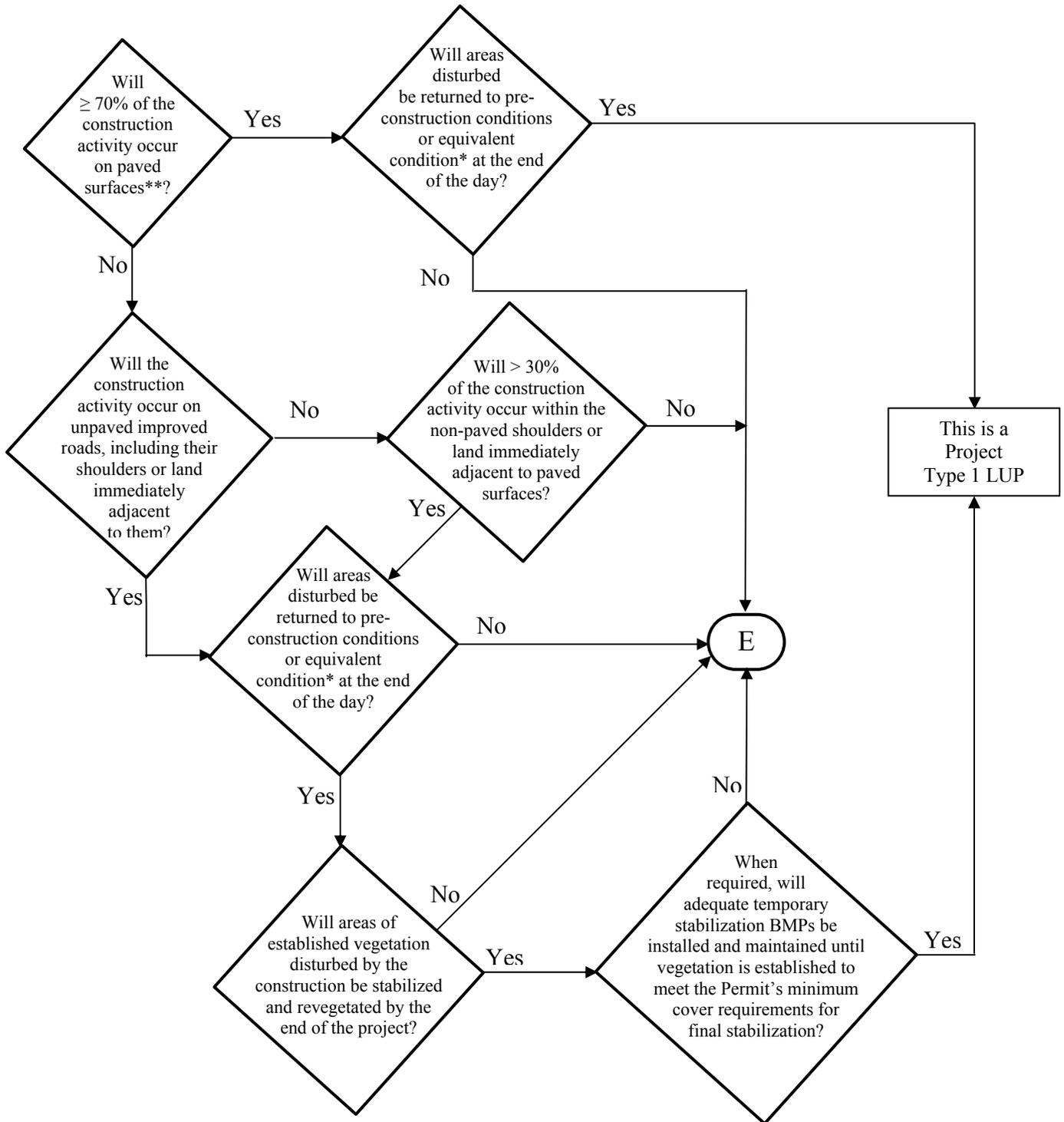
n. Monitoring Records

LUP Type 2 & 3 dischargers shall ensure that records of all storm water monitoring information and copies of all reports (including Annual Reports) required by this General Permit be retained for a period of at least three years. LUP Type 2 & 3 dischargers may retain records off-site and make them available upon request. These records shall include:

- i The date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation (rain gauge);
- ii The individual(s) who performed the facility inspections, sampling, visual observation (inspections), and or measurements;
- iii The date and approximate time of analyses;
- iv The individual(s) who performed the analyses;
- v A summary of all analytical results from the last three years, the method detection limits and reporting units, the analytical techniques or methods used, and all chain of custody forms;
- vi Quality assurance/quality control records and results;
- vii Non-storm water discharge inspections and visual observation (inspections) and storm water discharge visual observation records (see Section M.4.a above);
- viii Visual observation and sample collection exception records (see Section M.4.g above); and

- ix The records of any corrective actions and follow-up activities that resulted from analytical results, visual observation (inspections), or inspections.

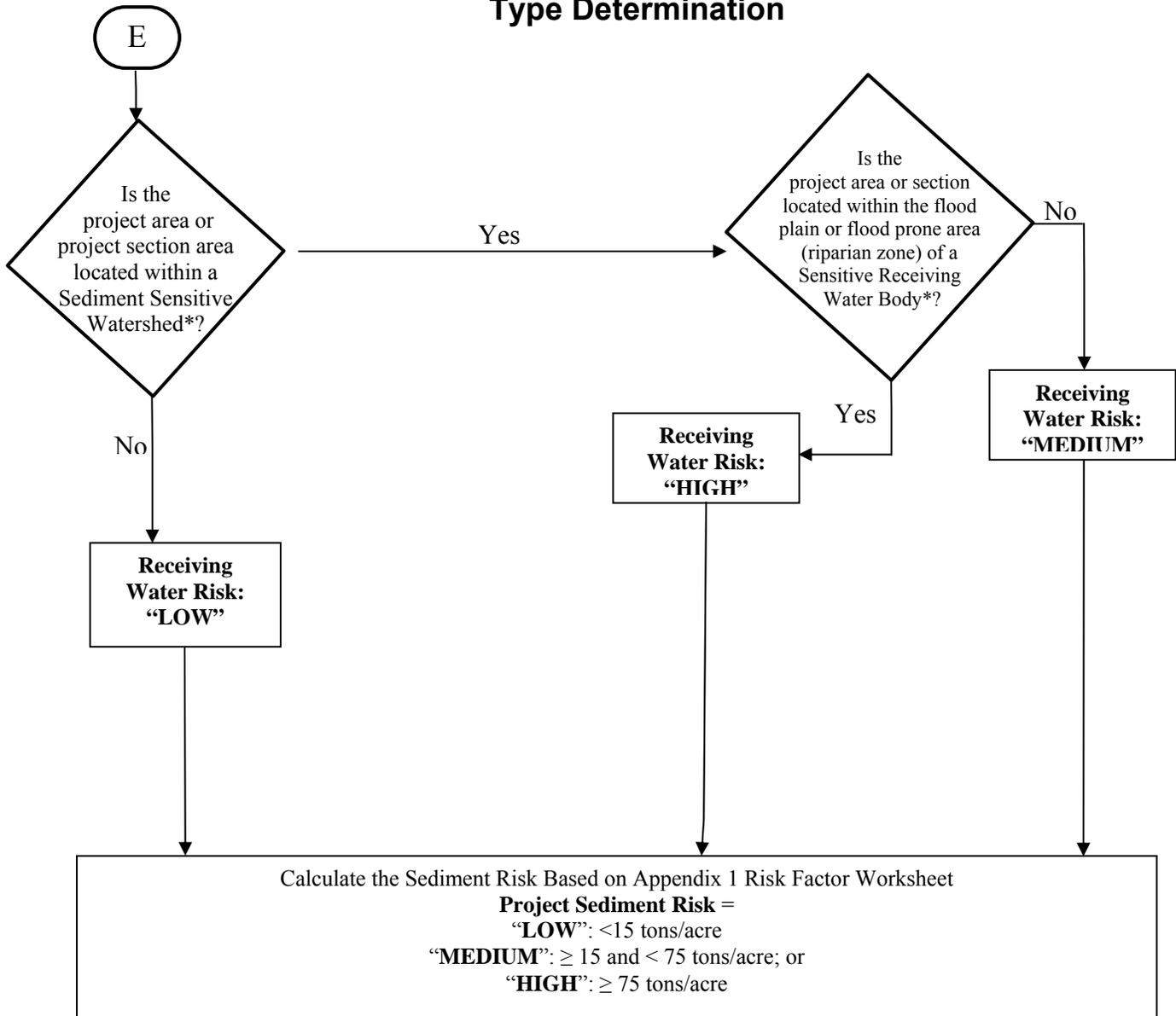
ATTACHMENT A.1 LUP Project Area or Project Section Area Type Determination



*See Definition of Terms

** Or: "Will < 30% of the soil disturbance occur on unpaved surfaces?"

ATTACHMENT A.1 LUP Project Area or Project Section Area Type Determination



* See Definition of Terms

PROJECT SEDIMENT RISK

RECEIVING WATER RISK

	LOW	MEDIUM	HIGH
LOW	Type 1	Type 1	Type 2
MEDIUM	Type 1	Type 2	Type 3
HIGH	Type 2	Type 3	Type 3

ATTACHMENT A.1 Definition of Terms

1. **Equivalent Condition** – Means disturbed soils such as those from trench excavation are required to be hauled away, backfilled into the trench, and/or covered (e.g., metal plates, pavement, plastic covers over spoil piles) at the end of the construction day.
2. **Linear Construction Activity** – Linear construction activity consists of underground/ overhead facilities that typically include, but are not limited to, any conveyance, pipe or pipeline for the transportation of any gaseous, liquid (including water, wastewater for domestic municipal services), liquescent, or slurry substance; any cable line or wire for the transmission of electrical energy; any cable line or wire for communications (e.g., telephone, telegraph, radio or television messages); and associated ancillary facilities. Construction activities associated with LUPs include, but are not limited to those activities necessary for the installation of underground and overhead linear facilities (e.g., conduits, substructures, pipelines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities) and include, but are not limited to, underground utility mark-out, potholing, concrete and asphalt cutting and removal, trenching, excavation, boring and drilling, access road and pole/ tower pad and cable/ wire pull station, substation construction, substructure installation, construction of tower footings and/or foundations, pole and tower installations, pipeline installations, welding, concrete and/or pavement repair or replacement, and stockpile/ borrow locations.
3. **Sediment Sensitive Receiving Water Body** – Defined as a water body segment that is listed on EPA's approved CWA 303(d) list for sedimentation/siltation, turbidity, or is designated with beneficial uses of SPAWN, MIGRATORY, and COLD.
4. **Sediment Sensitive Watershed** – Defined as a watershed draining into a receiving water body listed on EPA's approved CWA 303(d) list for sedimentation/siltation, turbidity, or a water body designated with beneficial uses of SPAWN, MIGRATORY, and COLD.

**ATTACHMENT A.2
PERMIT REGISTRATION DOCUMENTS (PRDs)
GENERAL INSTRUCTIONS FOR LINEAR UNDERGROUND/OVERHEAD PROJECTS TO
COMPLY WITH THE CONSTRUCTION GENERAL PERMIT**

GENERAL INSTRUCTIONS

Who Must Submit

This permit is effective on July 1, 2010.

The Legally Responsible Person (LRP) for construction activities associated with linear underground/overhead project (LUP) must electronically apply for coverage under this General Permit on or after July 1, 2010. If it is determined that the LUP construction activities require an NPDES permit, the Legally Responsible Person¹ (LRP) shall submit PRDs for this General Permit in accordance with the following:

LUPs associated with Private or Municipal Development Projects

1. For LUPs associated with pre-development and pre-redevelopment construction activities:

The LRP must obtain coverage² under this General Permit for its pre-development and pre-redevelopment construction activities where the total disturbed land area of these construction activities is greater than 1 acre.

2. For LUPs associated with new development and redevelopment construction projects:

The LRP must obtain coverage under this General Permit for LUP construction activities associated with new development and redevelopment projects where the total disturbed land area of the LUP is greater than 1 acre. Coverage under this permit is not required where the same LUP construction activities are covered by another NPDES permit.

LUPs not associated with private or municipal new development or redevelopment projects:

The LRP must obtain coverage under this General Permit on or after July 1, 2010 for its LUP construction activities where the total disturbed land area is greater than 1 acre.

PRD Submittal Requirements

Prior to the start of construction activities a LRP must submit PRDs and fees to the State Water Board for each LUP.

New and Ongoing LUPs

Dischargers of new LUPs that commence construction activities after the adoption date of this General Permit shall file PRDs prior to the commencement of construction and implement the SWPPP upon the start of construction.

¹ person possessing the title of the land on which the construction activities will occur for the regulated site

² obtain coverage means filing PRDs for the project.

PERMIT REGISTRATION DOCUMENTS (PRDs) GENERAL INSTRUCTIONS (CONTINUED)

Dischargers of ongoing LUPs that are currently covered under State Water Board Order No. 2003-0007 (Small LUP General Permit) shall electronically file Permit Registration Documents no later than July 1, 2010. After July 1, 2010, all NOIs subject to State Water Board Order No. 2003-0007-DWQ will be terminated. All existing dischargers shall be exempt from the risk determination requirements in Attachment A. All existing dischargers are therefore subject to LUP Type 1 requirements regardless of their project's sediment and receiving water risks. However, a Regional Board retains the authority to require an existing discharger to comply with the risk determination requirements in Attachment A.

Where to Apply

The Permit Registration Documents (PRDs) can be found at www.waterboards.ca.gov/water_issues/programs/stormwater/

Fees

The annual fee for storm water permits are established through the State of California Code of Regulations.

When Permit Coverage Commences

To obtain coverage under the General Permit, the LRP must include the complete PRDs and the annual fee. All PRDs deemed incomplete will be rejected with an explanation as to what is required to complete submittal. Upon receipt of complete PRDs and associated fee, each discharger will be sent a waste discharger's identification (WDID) number.

Projects and Activities Not Defined As Construction Activity

1. LUP construction activity does not include routine maintenance projects to maintain original line and grade, hydraulic capacity, or original purpose of the facility. Routine maintenance projects are projects associated with operations and maintenance activities that are conducted on existing lines and facilities and within existing right-of-way, easements, franchise agreements or other legally binding agreements of the discharger. Routine maintenance projects include, but are not limited to projects that are conducted to:
 - Maintain the original purpose of the facility, or hydraulic capacity.
 - Update existing lines³ and facilities to comply with applicable codes, standards and regulations regardless if such projects result in increased capacity.
 - Repairing leaks.

Routine maintenance does not include construction of new⁴ lines or facilities resulting from compliance with applicable codes, standards and regulations.

³ Update existing lines includes replacing existing lines with new materials or pipes.

⁴ New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

**PERMIT REGISTRATION DOCUMENTS (PRDs)
GENERAL INSTRUCTIONS (CONTINUED)**

Routine maintenance projects do not include those areas of maintenance projects that are outside of an existing right-of-way, franchise, easements, or agreements. When a project must acquire new areas, those areas may be subject to this General Permit based on the area of disturbed land outside the original right-of-way, easement, or agreement.

2. LUP construction activity does not include field activities associated with the planning and design of a project (e.g., activities associated with route selection).
3. Tie-ins conducted immediately adjacent to “energized” or “pressurized” facilities by the discharger are not considered small construction activities where all other LUP construction activities associated with the tie-in are covered by a NOI and SWPPP of a third party or municipal agency.

Calculating Land Disturbance Areas of LUPs

The total land area disturbed for LUPs is the sum of the:

- Surface areas of trenches, laterals and ancillary facilities, plus
- Area of the base of stockpiles on unpaved surfaces, plus
- Surface area of the borrow area, plus
- Areas of paved surfaces constructed for the project, plus
- Areas of new roads constructed or areas of major reconstruction to existing roads (e.g. improvements to two-track surfaces or road widening) for the sole purpose of accessing construction activities or as part of the final project, plus
- Equipment and material storage, staging, and preparation areas (laydown areas) not on paved surfaces, plus
- Soil areas outside the surface area of trenches, laterals and ancillary facilities that will be graded, and/or disturbed by the use of construction equipment, vehicles and machinery during construction activities.

Stockpiling Areas

Stockpiling areas, borrow areas and the removal of soils from a construction site may or may not be included when calculating the area of disturbed soil for a site depending on the following conditions:

- For stockpiling of soils onsite or immediately adjacent to a LUP site and the stockpile is not on a paved surface, the area of the base of the stockpile is to be included in the disturbed area calculation.
- The surface area of borrow areas that are onsite or immediately adjacent to a project site are to be included in the disturbed area calculation.
- For soil that is hauled offsite to a location owned or operated by the discharger that is not a paved surface, the area of the base of the stockpile is to be included in the disturbed area calculation except when the offsite location is already subject to a separate storm water permit.

**PERMIT REGISTRATION DOCUMENTS (PRDs)
GENERAL INSTRUCTIONS (CONTINUED)**

- For soil that is brought to the project from an off-site location owned or operated by the discharger the surface area of the borrow pit is to be included in the disturbed area calculation except when the offsite location is already subject to a separate storm water permit.
- Trench spoils on a paved surface that are either returned to the trench or excavation or hauled away from the project daily for disposal or reuse will not be included in the disturbed area calculation.

If you have any questions concerning submittal of PRDs, please call the State Water Board at (866) 563-3107.

**ATTACHMENT B
PERMIT REGISTRATION DOCUMENTS (PRDs) TO COMPLY WITH THE TERMS
OF THE GENERAL PERMIT TO DISCHARGE STORM WATER
ASSOCIATED WITH CONSTRUCTION ACTIVITY**

GENERAL INSTRUCTIONS

- A.** All Linear Construction Projects shall comply with the PRD requirements in Attachment A.2 of this Order.

B. Who Must Submit

Discharges of storm water associated with construction that results in the disturbance of one acre or more of land must apply for coverage under the General Construction Storm Water Permit (General Permit). Any construction activity that is a part of a larger common plan of development or sale must also be permitted, regardless of size. (For example, if 0.5 acre of a 20-acre subdivision is disturbed by the construction activities of discharger A and the remaining 19.5 acres is to be developed by discharger B, discharger A must obtain a General Storm Water Permit for the 0.5 acre project).

Other discharges from construction activities that are covered under this General Permit can be found in the General Permit Section II.B.

It is the LRP's responsibility to obtain coverage under this General Permit by electronically submitting complete PRDs (Permit Registration Documents).

In all cases, the proper procedures for submitting the PRDs must be completed before construction can commence.

C. Construction Activity Not Covered By This General Permit

Discharges from construction that are not covered under this General Permit can be found in the General Permit Sections II.A & B..

D. Annual Fees and Fee Calculation

Annual fees are calculated based upon the total area of land to be disturbed not the total size of the acreage owned. However, the calculation includes all acres to be disturbed during the duration of the project. For example, if 10 acres are scheduled to be disturbed the first year and 10 in each subsequent year for 5 years, the annual fees would be based upon 50 acres of disturbance. The State Water Board will evaluate adding acreage to an existing Permit Waste Discharge Identification (WDID) number on a case-by-case basis. In general, any acreage to be considered must be contiguous to the permitted land area and the existing

SWPPP must be appropriate for the construction activity and topography of the acreage under consideration. As acreage is built out and stabilized or sold, the Change of Information (COI) form enables the applicant to remove those acres from inclusion in the annual fee calculation. Checks should be made payable to: State Water Board.

The Annual fees are established through regulations adopted by the State Water Board. The total annual fee is the current base fee plus applicable surcharges for all construction sites submitting an NOI, based on the total acreage to be disturbed during the life of the project. Annual fees are subject to change by regulation.

Dischargers that apply for and satisfy the Small Construction Erosivity Wavier requirements shall pay a fee of \$200.00 plus an applicable surcharge, see the General Permit Section II.B.7.

E. When to Apply

LRP's proposing to conduct construction activities subject to this General Permit must submit their PRDs prior to the commencement of construction activity.

F. Requirements for Completing Permit Registration Documents (PRDs)

All dischargers required to comply with this General Permit shall electronically submit the required PRDs for their type of construction as defined below.

G. Standard PRD Requirements (All Dischargers)

1. Notice of Intent
2. Risk Assessment (Standard or Site-Specific)
3. Site Map
4. SWPPP
5. Annual Fee
6. Certification

H. Additional PRD Requirements Related to Construction Type

1. Discharger in unincorporated areas of the State (not covered under an adopted Phase I or II SUSMP requirements) and that are not a linear project shall also submit a completed:
 - a. Post-Construction Water Balance Calculator (Appendix 2).
2. Dischargers who are proposing to implement ATS shall submit:
 - a. Complete ATS Plan in accordance with Attachment F at least 14 days prior to the planned operation of the ATS and a paper copy shall be available onsite during ATS operation.

- b. Certification proof that design done by a professional in accordance with Attachment F.
- 3. Dischargers who are proposing an alternate Risk Justification:
 - a. Particle Size Analysis.

I. Exceptions to Standard PRD Requirements

Construction sites with an R value less than 5 as determined in the Risk Assessment are not required to submit a SWPPP.

J. Description of PRDs

1. Notice of Intent (NOI)
2. Site Map(s) Includes:
 - a. The project's surrounding area (vicinity)
 - b. Site layout
 - c. Construction site boundaries
 - d. Drainage areas
 - e. Discharge locations
 - f. Sampling locations
 - g. Areas of soil disturbance (temporary or permanent)
 - h. Active areas of soil disturbance (cut or fill)
 - i. Locations of all runoff BMPs
 - j. Locations of all erosion control BMPs
 - k. Locations of all sediment control BMPs
 - l. ATS location (if applicable)
 - m. Locations of sensitive habitats, watercourses, or other features which are not to be disturbed
 - n. Locations of all post-construction BMPs
 - o. Locations of storage areas for waste, vehicles, service, loading/unloading of materials, access (entrance/exits) points to construction site, fueling, and water storage, water transfer for dust control and compaction practices
3. **SWPPPs**
A site-specific SWPPP shall be developed by each discharger and shall be submitted with the PRDs.
4. **Risk Assessment**
All dischargers shall use the Risk Assessment procedure as describe in the General Permit Appendix 1.
 - a. The Standard Risk Assessment includes utilization of the following:
 - i. Receiving water Risk Assessment interactive map

- ii. EPA Rainfall Erosivity Factor Calculator Website
 - iii. Sediment Risk interactive map
 - iv. Sediment sensitive water bodies list
- b. The Site-Specific Risk Assessment includes the completion of the hand calculated R value Risk Calculator
5. **Post-Construction Water Balance Calculator**
All dischargers subject to this requirement shall complete the Water Balance Calculator (in Appendix 2) in accordance with the instructions.
6. **ATS Design Document and Certification**
All dischargers using ATS must submit electronically their system design (as well as any supporting documentation) and proof that the system was designed by a qualified ATS design professional (See Attachment F).

To obtain coverage under the General Permit PRDs must be included and completed. If any of the required items are missing, the PRD submittal is considered incomplete and will be rejected. Upon receipt of a complete PRD submittal, the State Water Board will process the application package in the order received and assign a (WDID) number.

Questions?

If you have any questions on completing the PRDs please email stormwater@waterboards.ca.gov or call (866) 563-3107.

ATTACHMENT C RISK LEVEL 1 REQUIREMENTS

A. Effluent Standards

[These requirements are the same as those in the General Permit order.]

1. Narrative – Risk Level 1 dischargers shall comply with the narrative effluent standards listed below:
 - a. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
 - b. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
2. Numeric – Risk Level 1 dischargers are not subject to a numeric effluent standard.

B. Good Site Management "Housekeeping"

1. Risk Level 1 dischargers shall implement good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum, Risk Level 1 dischargers shall implement the following good housekeeping measures:
 - a. Conduct an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - b. Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).

- c. Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
 - d. Minimize exposure of construction materials to precipitation. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - e. Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.
2. Risk Level 1 dischargers shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following:
- a. Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.
 - b. Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.
 - c. Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.
 - d. Cover waste disposal containers at the end of every business day and during a rain event.
 - e. Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.
 - f. Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
 - g. Implement procedures that effectively address hazardous and non-hazardous spills.
 - h. Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require that:
 - i. Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly; and

- ii. Appropriate spill response personnel are assigned and trained.
 - i. Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
3. Risk Level 1 dischargers shall implement good housekeeping for vehicle storage and maintenance, which, at a minimum, shall consist of the following:
- a. Prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
 - b. Place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
 - c. Clean leaks immediately and disposing of leaked materials properly.
4. Risk Level 1 dischargers shall implement good housekeeping for landscape materials, which, at a minimum, shall consist of the following:
- a. Contain stockpiled materials such as mulches and topsoil when they are not actively being used.
 - b. Contain fertilizers and other landscape materials when they are not actively being used.
 - c. Discontinue the application of any erodible landscape material within 2 days before a forecasted rain event or during periods of precipitation.
 - d. Apply erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.
 - e. Stack erodible landscape material on pallets and covering or storing such materials when not being used or applied.
5. Risk Level 1 dischargers shall conduct an assessment and create a list of potential pollutant sources and identify any areas of the site where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. This potential pollutant list shall be kept with the SWPPP and shall identify

all non-visible pollutants which are known, or should be known, to occur on the construction site. At a minimum, when developing BMPs, Risk Level 1 dischargers shall do the following:

- a. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
 - b. Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
 - c. Consider the direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
 - d. Ensure retention of sampling, visual observation, and inspection records.
 - e. Ensure effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
6. Risk Level 1 dischargers shall implement good housekeeping measures on the construction site to control the air deposition of site materials and from site operations. Such particulates can include, but are not limited to, sediment, nutrients, trash, metals, bacteria, oil and grease and organics.

C. Non-Storm Water Management

1. Risk Level 1 dischargers shall implement measures to control all non-storm water discharges during construction.
2. Risk Level 1 dischargers shall wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.
3. Risk Level 1 dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.

D. Erosion Control

1. Risk Level 1 dischargers shall implement effective wind erosion control.
2. Risk Level 1 dischargers shall provide effective soil cover for inactive¹ areas and all finished slopes, open space, utility backfill, and completed lots.
3. Risk Level 1 dischargers shall limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation.

E. Sediment Controls

1. Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
2. On sites where sediment basins are to be used, Risk Level 1 dischargers shall, at minimum, design sediment basins according to the method provided in CASQA's Construction BMP Guidance Handbook.

F. Run-on and Runoff Controls

Risk Level 1 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this General Permit.

G. Inspection, Maintenance and Repair

1. Risk Level 1 dischargers shall ensure that all inspection, maintenance repair and sampling activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP) representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
2. Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended

¹ Inactive areas of construction are areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days.

storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP.

3. Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
4. For each inspection required, Risk Level 1 dischargers shall complete an inspection checklist, using a form provided by the State Water Board or Regional Water Board or in an alternative format.
5. Risk Level 1 dischargers shall ensure that checklists shall remain onsite with the SWPPP and at a minimum, shall include:
 - a. Inspection date and date the inspection report was written.
 - b. Weather information, including presence or absence of precipitation, estimate of beginning of qualifying storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall in inches.
 - c. Site information, including stage of construction, activities completed, and approximate area of the site exposed.
 - d. A description of any BMPs evaluated and any deficiencies noted.
 - e. If the construction site is safely accessible during inclement weather, list the observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and any projected maintenance activities.
 - f. Report the presence of noticeable odors or of any visible sheen on the surface of any discharges.
 - g. Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.
 - h. Photographs taken during the inspection, if any.
 - i. Inspector's name, title, and signature.

H. Rain Event Action Plan

Not required for Risk Level 1 dischargers.

I. Risk Level 1 Monitoring and Reporting Requirements

Table 1- Summary of Monitoring Requirements

Risk Level	Visual Inspections					Sample Collection	
	Quarterly Non-storm Water Discharge	Pre-storm Event		Daily Storm BMP	Post Storm	Storm Water Discharge	Receiving Water
		Baseline	REAP				
1	X	X		X	X		

1. Construction Site Monitoring Program Requirements

- a. Pursuant to Water Code Sections 13383 and 13267, all dischargers subject to this General Permit shall develop and implement a written site-specific Construction Site Monitoring Program (CSMP) in accordance with the requirements of this Section. The CSMP shall include all monitoring procedures and instructions, location maps, forms, and checklists as required in this section. The CSMP shall be developed prior to the commencement of construction activities, and revised as necessary to reflect project revisions. The CSMP shall be a part of the Storm Water Pollution Prevention Plan (SWPPP), included as an appendix or separate SWPPP chapter.
- b. Existing dischargers registered under the State Water Board Order No. 99-08-DWQ shall make and implement necessary revisions to their Monitoring Programs to reflect the changes in this General Permit in a timely manner, but no later than July 1, 2010. Existing dischargers shall continue to implement their existing Monitoring Programs in compliance with State Water Board Order No. 99-08-DWQ until the necessary revisions are completed according to the schedule above.
- c. When a change of ownership occurs for all or any portion of the construction site prior to completion or final stabilization, the new discharger shall comply with these requirements as of the date the ownership change occurs.

2. Objectives

The CSMP shall be developed and implemented to address the following objectives:

- a. To demonstrate that the site is in compliance with the Discharge Prohibitions;

- b. To determine whether non-visible pollutants are present at the construction site and are causing or contributing to exceedances of water quality objectives;
 - c. To determine whether immediate corrective actions, additional Best Management Practice (BMP) implementation, or SWPPP revisions are necessary to reduce pollutants in storm water discharges and authorized non-storm water discharges; and
 - d. To determine whether BMPs included in the SWPPP are effective in preventing or reducing pollutants in storm water discharges and authorized non-storm water discharges.
- 3. Risk Level 1 - Visual Monitoring (Inspection) Requirements for Qualifying Rain Events**
- a. Risk Level 1 dischargers shall visually observe (inspect) storm water discharges at all discharge locations within two business days (48 hours) after each qualifying rain event.
 - b. Risk Level 1 dischargers shall visually observe (inspect) the discharge of stored or contained storm water that is derived from and discharged subsequent to a qualifying rain event producing precipitation of $\frac{1}{2}$ inch or more at the time of discharge. Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation shall be observed prior to the discharge during operating hours.
 - c. Risk Level 1 dischargers shall conduct visual observations (inspections) during business hours only.
 - d. Risk Level 1 dischargers shall record the time, date and rain gauge reading of all qualifying rain events.
 - e. Within 2 business days (48 hours) prior to each qualifying rain event, Risk Level 1 dischargers shall visually observe (inspect):
 - i. All storm water drainage areas to identify any spills, leaks, or uncontrolled pollutant sources. If needed, the discharger shall implement appropriate corrective actions.
 - ii. All BMPs to identify whether they have been properly implemented in accordance with the SWPPP. If needed, the discharger shall implement appropriate corrective actions.

- iii. Any storm water storage and containment areas to detect leaks and ensure maintenance of adequate freeboard.
- f. For the visual observations (inspections) described in e.i and e.iii above, Risk Level 1 dischargers shall observe the presence or absence of floating and suspended materials, a sheen on the surface, discolorations, turbidity, odors, and source(s) of any observed pollutants.
- g. Within two business days (48 hours) after each qualifying rain event, Risk Level 1 dischargers shall conduct post rain event visual observations (inspections) to (1) identify whether BMPs were adequately designed, implemented, and effective, and (2) identify additional BMPs and revise the SWPPP accordingly.
- h. Risk Level 1 dischargers shall maintain on-site records of all visual observations (inspections), personnel performing the observations, observation dates, weather conditions, locations observed, and corrective actions taken in response to the observations.

4. Risk Level 1 – Visual Observation Exemptions

- a. Risk Level 1 dischargers shall be prepared to conduct visual observation (inspections) until the minimum requirements of Section I.3 above are completed. Risk Level 1 dischargers are not required to conduct visual observation (inspections) under the following conditions:
 - i. During dangerous weather conditions such as flooding and electrical storms.
 - ii. Outside of scheduled site business hours.
- b. If no required visual observations (inspections) are collected due to these exceptions, Risk Level 1 dischargers shall include an explanation in their SWPPP and in the Annual Report documenting why the visual observations (inspections) were not conducted.

5. Risk Level 1 – Monitoring Methods

Risk Level 1 dischargers shall include a description of the visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures in the CSMP.

6. Risk Level 1 – Non-Storm Water Discharge Monitoring Requirements

- a. Visual Monitoring Requirements:
 - i. Risk Level 1 dischargers shall visually observe (inspect) each drainage area for the presence of (or indications of prior) unauthorized and authorized non-storm water discharges and their sources.
 - ii. Risk Level 1 dischargers shall conduct one visual observation (inspection) quarterly in each of the following periods: January-March, April-June, July-September, and October-December. Visual observation (inspections) are only required during daylight hours (sunrise to sunset).
 - iii. Risk Level 1 dischargers shall ensure that visual observations (inspections) document the presence or evidence of any non-storm water discharge (authorized or unauthorized), pollutant characteristics (floating and suspended material, sheen, discoloration, turbidity, odor, etc.), and source. Risk Level 1 dischargers shall maintain on-site records indicating the personnel performing the visual observation (inspections), the dates and approximate time each drainage area and non-storm water discharge was observed, and the response taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges.

7. Risk Level 1 – Non-Visible Pollutant Monitoring Requirements

- a. Risk Level 1 dischargers shall collect one or more samples during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
- b. Risk Level 1 dischargers shall ensure that water samples are large enough to characterize the site conditions.
- c. Risk Level 1 dischargers shall collect samples at all discharge locations that can be safely accessed.
- d. Risk Level 1 dischargers shall collect samples during the first two hours of discharge from rain events that occur during business hours and which generate runoff.
- e. Risk Level 1 dischargers shall analyze samples for all non-visible pollutant parameters (if applicable) - parameters indicating the

presence of pollutants identified in the pollutant source assessment required (Risk Level 1 dischargers shall modify their CSMPs to address these additional parameters in accordance with any updated SWPPP pollutant source assessment).

- f. Risk Level 1 dischargers shall collect a sample of storm water that has not come in contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample) for comparison with the discharge sample.
- g. Risk Level 1 dischargers shall compare the uncontaminated sample to the samples of discharge using field analysis or through laboratory analysis.²
- h. Risk Level 1 dischargers shall keep all field /or analytical data in the SWPPP document.

8. Risk Level 1 – Particle Size Analysis for Project Risk Justification

Risk Level 1 dischargers justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and clay on the site.

9. Risk Level 1 – Records

Risk Level 1 dischargers shall retain records of all storm water monitoring information and copies of all reports (including Annual Reports) for a period of at least three years. Risk Level 1 dischargers shall retain all records on-site while construction is ongoing. These records include:

- a. The date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation.
- b. The individual(s) who performed the facility inspections, sampling, visual observation (inspections), and or measurements.
- c. The date and approximate time of analyses.
- d. The individual(s) who performed the analyses.

² For laboratory analysis, all sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136. Field discharge samples shall be collected and analyzed according to the specifications of the manufacturer of the sampling devices employed.

- e. A summary of all analytical results from the last three years, the method detection limits and reporting units, and the analytical techniques or methods used.
- f. Rain gauge readings from site inspections.
- g. Quality assurance/quality control records and results.
- h. Non-storm water discharge inspections and visual observation (inspections) and storm water discharge visual observation records (see Sections I.3 and I.6 above).
- i. Visual observation and sample collection exception records (see Section I.4 above).
- j. The records of any corrective actions and follow-up activities that resulted from analytical results, visual observation (inspections), or inspections.

ATTACHMENT D RISK LEVEL 2 REQUIREMENTS

A. Effluent Standards

[These requirements are the same as those in the General Permit order.]

1. Narrative – Risk Level 2 dischargers shall comply with the narrative effluent standards listed below:
 - a. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
 - b. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
2. Numeric – Risk level 2 dischargers are subject to a pH NAL of 6.5-8.5, and a turbidity NAL of 250 NTU.

B. Good Site Management "Housekeeping"

1. Risk Level 2 dischargers shall implement good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum, Risk Level 2 dischargers shall implement the following good housekeeping measures:
 - a. Conduct an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - b. Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).

- c. Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
 - d. Minimize exposure of construction materials to precipitation. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - e. Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.
2. Risk Level 2 dischargers shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following:
- a. Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.
 - b. Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.
 - c. Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.
 - d. Cover waste disposal containers at the end of every business day and during a rain event.
 - e. Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.
 - f. Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
 - g. Implement procedures that effectively address hazardous and non-hazardous spills.
 - h. Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require:
 - i. Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly.

- ii. Appropriate spill response personnel are assigned and trained.
 - i. Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
- 3. Risk Level 2 dischargers shall implement good housekeeping for vehicle storage and maintenance, which, at a minimum, shall consist of the following:
 - a. Prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
 - b. Place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
 - c. Clean leaks immediately and disposing of leaked materials properly.
- 4. Risk Level 2 dischargers shall implement good housekeeping for landscape materials, which, at a minimum, shall consist of the following:
 - a. Contain stockpiled materials such as mulches and topsoil when they are not actively being used.
 - b. Contain all fertilizers and other landscape materials when they are not actively being used.
 - c. Discontinue the application of any erodible landscape material within 2 days before a forecasted rain event or during periods of precipitation.
 - d. Apply erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.
 - e. Stack erodible landscape material on pallets and covering or storing such materials when not being used or applied.
- 5. Risk Level 2 dischargers shall conduct an assessment and create a list of potential pollutant sources and identify any areas of the site where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. This potential pollutant list shall be kept with the SWPPP and shall identify

all non-visible pollutants which are known, or should be known, to occur on the construction site. At a minimum, when developing BMPs, Risk Level 2 dischargers shall do the following:

- a. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
 - b. Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
 - c. Consider the direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
 - d. Ensure retention of sampling, visual observation, and inspection records.
 - e. Ensure effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
6. Risk Level 2 dischargers shall implement good housekeeping measures on the construction site to control the air deposition of site materials and from site operations. Such particulates can include, but are not limited to, sediment, nutrients, trash, metals, bacteria, oil and grease and organics.
 7. **Additional Risk Level 2 Requirement:** Risk Level 2 dischargers shall document all housekeeping BMPs in the SWPPP and REAP(s) in accordance with the nature and phase of the construction project. Construction phases at traditional land development projects include Grading and Land Development Phase, Streets and Utilities, or Vertical Construction for traditional land development projects.

C. Non-Storm Water Management

1. Risk Level 2 dischargers shall implement measures to control all non-storm water discharges during construction.
2. Risk Level 2 dischargers shall wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.

3. Risk Level 2 dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.

D. Erosion Control

1. Risk Level 2 dischargers shall implement effective wind erosion control.
2. Risk Level 2 dischargers shall provide effective soil cover for inactive¹ areas and all finished slopes, open space, utility backfill, and completed lots.
3. Risk Level 2 dischargers shall limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation.

E. Sediment Controls

1. Risk Level 2 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
2. On sites where sediment basins are to be used, Risk Level 2 dischargers shall, at minimum, design sediment basins according to the method provided in CASQA's Construction BMP Guidance Handbook.
3. **Additional Risk Level 2 Requirement:** Risk Level 2 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active² construction.
4. **Additional Risk Level 2 Requirement:** Risk Level 2 dischargers shall apply linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow lengths³ in accordance with Table 1.

¹ Inactive areas of construction are areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days.

² Active areas of construction are areas undergoing land surface disturbance. This includes construction activity during the preliminary stage, mass grading stage, streets and utilities stage and the vertical construction stage.

³ Sheet flow length is the length that shallow, low velocity flow travels across a site.

Table 1 - Critical Slope/Sheet Flow Length Combinations

Slope Percentage	Sheet flow length not to exceed
0-25%	20 feet
25-50%	15 feet
Over 50%	10 feet

5. **Additional Risk Level 2 Requirement:** Risk Level 2 dischargers shall ensure that construction activity traffic to and from the project is limited to entrances and exits that employ effective controls to prevent offsite tracking of sediment.
6. **Additional Risk Level 2 Requirement:** Risk Level 2 dischargers shall ensure that all storm drain inlets and perimeter controls, runoff control BMPs, and pollutant controls at entrances and exits (e.g. tire washoff locations) are maintained and protected from activities that reduce their effectiveness.
7. **Additional Risk Level 2 Requirement:** Risk Level 2 dischargers shall inspect on a daily basis all immediate access roads daily. At a minimum daily (when necessary) and prior to any rain event, the discharger shall remove any sediment or other construction activity-related materials that are deposited on the roads (by vacuuming or sweeping).

F. Run-on and Run-off Controls

Risk Level 2 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this General Permit.

G. Inspection, Maintenance and Repair

1. Risk Level 2 dischargers shall ensure that all inspection, maintenance repair and sampling activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP) representing the discharger. The QSP may delegate any or all of these activities to an employee appropriately trained to do the task(s).
2. Risk Level 2 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP.

3. Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 2 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
4. For each inspection required, Risk Level 2 dischargers shall complete an inspection checklist, using a form provided by the State Water Board or Regional Water Board or in an alternative format.
5. Risk Level 2 dischargers shall ensure that checklists shall remain onsite with the SWPPP and at a minimum, shall include:
 - a. Inspection date and date the inspection report was written.
 - b. Weather information, including presence or absence of precipitation, estimate of beginning of qualifying storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall in inches.
 - c. Site information, including stage of construction, activities completed, and approximate area of the site exposed.
 - d. A description of any BMPs evaluated and any deficiencies noted.
 - e. If the construction site is safely accessible during inclement weather, list the observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and any projected maintenance activities.
 - f. Report the presence of noticeable odors or of any visible sheen on the surface of any discharges.
 - g. Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.
 - h. Photographs taken during the inspection, if any.
 - i. Inspector's name, title, and signature.

H. Rain Event Action Plan

1. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP develop a Rain Event Action Plan (REAP) 48 hours prior to any

likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. The discharger shall ensure a QSP obtain a printed copy of precipitation forecast information from the National Weather Service Forecast Office (e.g., by entering the zip code of the project's location at <http://www.srh.noaa.gov/forecast>).

2. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP develop the REAPs for all phases of construction (i.e., Grading and Land Development, Streets and Utilities, Vertical Construction, Final Landscaping and Site Stabilization).
3. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP ensure that the REAP include, at a minimum, the following site information:
 - a. Site Address
 - b. Calculated Risk Level (2 or 3)
 - c. Site Storm Water Manager Information including the name, company, and 24-hour emergency telephone number
 - d. Erosion and Sediment Control Provider information including the name, company, and 24-hour emergency telephone number
 - e. Storm Water Sampling Agent information including the name, company, and 24-hour emergency telephone number
4. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP include in the REAP, at a minimum, the following project phase information:
 - a. Activities associated with each construction phase
 - b. Trades active on the construction site during each construction phase
 - c. Trade contractor information
 - d. Suggested actions for each project phase
5. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP develop additional REAPs for project sites where construction activities are indefinitely halted or postponed (Inactive Construction). At a minimum, Inactive Construction REAPs must include:
 - a. Site Address
 - b. Calculated Risk Level (2 or 3)
 - c. Site Storm Water Manager Information including the name, company, and 24-hour emergency telephone number

- d. Erosion and Sediment Control Provider information including the name, company, and 24-hour emergency telephone number
 - e. Storm Water Sampling Agent information including the name, company, and 24-hour emergency telephone number
 - f. Trades active on site during Inactive Construction
 - g. Trade contractor information
 - h. Suggested actions for inactive construction sites
6. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP begin implementation and make the REAP available onsite no later than 24 hours prior to the likely precipitation event.
7. **Additional Risk Level 2 Requirement:** The discharger shall ensure a QSP maintain onsite a paper copy of each REAP onsite in compliance with the record retention requirements of the Special Provisions in this General Permit.

I. Risk Level 2 Monitoring and Reporting Requirements

Table 2- Summary of Monitoring Requirements

Risk Level	Visual Inspections					Sample Collection	
	Quarterly Non-storm Water Discharge	Pre-storm Event		Daily Storm BMP	Post Storm	Storm Water Discharge	Receiving Water
		Baseline	REAP				
2	X	X	X	X	X	X	

1. Construction Site Monitoring Program Requirements

- a. Pursuant to Water Code Sections 13383 and 13267, all dischargers subject to this General Permit shall develop and implement a written site-specific Construction Site Monitoring Program (CSMP) in accordance with the requirements of this Section. The CSMP shall include all monitoring procedures and instructions, location maps, forms, and checklists as required in this section. The CSMP shall be developed prior to the commencement of construction activities, and revised as necessary to reflect project revisions. The CSMP shall be a part of the Storm Water Pollution Prevention Plan (SWPPP), included as an appendix or separate SWPPP chapter.
- b. Existing dischargers registered under the State Water Board Order No. 99-08-DWQ shall make and implement necessary revisions to their Monitoring Program to reflect the changes in this General Permit in a timely manner, but no later than July 1, 2010. Existing dischargers shall continue to implement their existing Monitoring Programs in compliance with State Water Board Order No. 99-08-DWQ until the necessary revisions are completed according to the schedule above.
- c. When a change of ownership occurs for all or any portion of the construction site prior to completion or final stabilization, the new discharger shall comply with these requirements as of the date the ownership change occurs.

2. Objectives

The CSMP shall be developed and implemented to address the following objectives:

- a. To demonstrate that the site is in compliance with the Discharge Prohibitions and applicable Numeric Action Levels (NALs).

- b. To determine whether non-visible pollutants are present at the construction site and are causing or contributing to exceedances of water quality objectives.
 - c. To determine whether immediate corrective actions, additional Best Management Practice (BMP) implementation, or SWPPP revisions are necessary to reduce pollutants in storm water discharges and authorized non-storm water discharges.
 - d. To determine whether BMPs included in the SWPPP/Rain Event Action Plan (REAP) are effective in preventing or reducing pollutants in storm water discharges and authorized non-storm water discharges.
- 3. Risk Level 2 – Visual Monitoring (Inspection) Requirements for Qualifying Rain Events**
- a. Risk Level 2 dischargers shall visually observe (inspect) storm water discharges at all discharge locations within two business days (48 hours) after each qualifying rain event.
 - b. Risk Level 2 dischargers shall visually observe (inspect) the discharge of stored or contained storm water that is derived from and discharged subsequent to a qualifying rain event producing precipitation of ½ inch or more at the time of discharge. Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation shall be observed prior to the discharge during operating hours.
 - c. Risk Level 2 dischargers shall conduct visual observations (inspections) during business hours only.
 - d. Risk Level 2 dischargers shall record the time, date and rain gauge reading of all qualifying rain events.
 - e. Within 2 business days (48 hours) prior to each qualifying rain event, Risk Level 2 dischargers shall visually observe (inspect):
 - i. all storm water drainage areas to identify any spills, leaks, or uncontrolled pollutant sources. If needed, the discharger shall implement appropriate corrective actions.
 - ii. all BMPs to identify whether they have been properly implemented in accordance with the SWPPP/REAP. If needed, the discharger shall implement appropriate corrective actions.

- iii. any storm water storage and containment areas to detect leaks and ensure maintenance of adequate freeboard.
- f. For the visual observations (inspections) described in c.i and c.iii above, Risk Level 2 dischargers shall observe the presence or absence of floating and suspended materials, a sheen on the surface, discolorations, turbidity, odors, and source(s) of any observed pollutants.
- g. Within two business days (48 hours) after each qualifying rain event, Risk Level 2 dischargers shall conduct post rain event visual observations (inspections) to (1) identify whether BMPs were adequately designed, implemented, and effective, and (2) identify additional BMPs and revise the SWPPP accordingly.
- h. Risk Level 2 dischargers shall maintain on-site records of all visual observations (inspections), personnel performing the observations, observation dates, weather conditions, locations observed, and corrective actions taken in response to the observations.

4. Risk Level 2 – Water Quality Sampling and Analysis

- a. Risk Level 2 dischargers shall collect storm water grab samples from sampling locations, as defined in Section I.5. The storm water grab sample(s) obtained shall be representative of the flow and characteristics of the discharge.
- b. At minimum, Risk Level 2 dischargers shall collect 3 samples per day of the qualifying event.
- c. Risk Level 2 dischargers shall ensure that the grab samples collected of stored or contained storm water are from discharges subsequent to a qualifying rain event (producing precipitation of $\frac{1}{2}$ inch or more at the time of discharge).

Storm Water Effluent Monitoring Requirements

- d. Risk Level 2 dischargers shall analyze their effluent samples for:
 - i. pH and turbidity.
 - ii. Any additional parameters for which monitoring is required by the Regional Water Board.

5. Risk Level 2 – Storm Water Discharge Water Quality Sampling Locations

Effluent Sampling Locations

- a. Risk Level 2 dischargers shall perform sampling and analysis of storm water discharges to characterize discharges associated with construction activity from the entire project disturbed area.
- b. Risk Level 2 dischargers shall collect effluent samples at all discharge points where storm water is discharged off-site.
- c. Risk Level 2 dischargers shall ensure that storm water discharge collected and observed represent⁴ the effluent in each drainage area based on visual observation of the water and upstream conditions.
- d. Risk Level 2 dischargers shall monitor and report site run-on from surrounding areas if there is reason to believe run-on may contribute to an exceedance of NALs.
- e. Risk Level 2 dischargers who deploy an ATS on their site, or a portion on their site, shall collect ATS effluent samples and measurements from the discharge pipe or another location representative of the nature of the discharge.
- f. Risk Level 2 dischargers shall select analytical test methods from the list provided in Table 3 below.
- g. All storm water sample collection preservation and handling shall be conducted in accordance with Section I.7 “Storm Water Sample Collection and Handling Instructions” below.

6. Risk Level 2 – Visual Observation and Sample Collection Exemptions

- a. Risk Level 2 dischargers shall be prepared to collect samples and conduct visual observation (inspections) until the minimum requirements of Sections I.3 and I.4 above are completed. Risk Level 2 dischargers are not required to physically collect samples or conduct visual observation (inspections) under the following conditions:

⁴ For example, if there has been concrete work recently in an area, or drywall scrap is exposed to the rain, a pH sample shall be taken of drainage from the relevant work area. Similarly, if sediment laden water is flowing through some parts of a silt fence, samples shall be taken of the sediment-laden water even if most water flowing through the fence is clear.

- i. During dangerous weather conditions such as flooding and electrical storms.
 - ii. Outside of scheduled site business hours.
- b. If no required samples or visual observation (inspections) are collected due to these exceptions, Risk Level 2 dischargers shall include an explanation in their SWPPP and in the Annual Report documenting why the sampling or visual observation (inspections) were not conducted.
- 7. Risk Level 2 – Storm Water Sample Collection and Handling Instructions**

- a. Risk Level 2 dischargers shall refer to Table 3 below for test methods, detection limits, and reporting units.
- b. Risk Level 2 dischargers shall ensure that testing laboratories will receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory), and shall use only the sample containers provided by the laboratory to collect and store samples.
- c. Risk Level 2 dischargers shall designate and train personnel to collect, maintain, and ship samples in accordance with the Surface Water Ambient Monitoring Program's (SWAMP) 2008 Quality Assurance Program Plan (QAPrP).⁵

8. Risk Level 2 – Monitoring Methods

- a. Risk Level 2 dischargers shall include a description of the following items in the CSMP:
 - i. Visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures.
 - ii. Sampling locations, and sample collection and handling procedures. This shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. Dischargers shall attach to the monitoring program

⁵ Additional information regarding SWAMP's QAPrP can be found at http://www.waterboards.ca.gov/water_issues/programs/swamp/.
QAPrP:http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/swamp_qapp_master090108a.pdf.

an example Chain of Custody form used when handling and shipping samples.

- iii. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required in Section I.4 above.
- b. Risk Level 2 dischargers shall ensure that all sampling and sample preservation are in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a discharger's own field instruments for measuring pH and turbidity) should be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. Risk Level 2 dischargers shall ensure that all laboratory analyses are conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the Regional Water Board. With the exception of field analysis conducted by the discharger for turbidity and pH, all analyses should be sent to and conducted at a laboratory certified for such analyses by the State Department of Health Services. Risk Level 2 dischargers shall conduct their own field analysis of pH and may conduct their own field analysis of turbidity if the discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.

9. Risk Level 2 – Analytical Methods

- a. Risk Level 2 dischargers shall refer to Table 3 below for test methods, detection limits, and reporting units.
- b. **pH:** Risk Level 2 dischargers shall perform pH analysis on-site with a calibrated pH meter or a pH test kit. Risk Level 2 dischargers shall record pH monitoring results on paper and retain these records in accordance with Section I.14, below.
- c. **Turbidity:** Risk Level 2 dischargers shall perform turbidity analysis using a calibrated turbidity meter (turbidimeter), either on-site or at an accredited lab. Acceptable test methods include Standard Method 2130 or USEPA Method 180.1. The results will be recorded in the site log book in Nephelometric Turbidity Units (NTU).

10. Risk Level 2 - Non-Storm Water Discharge Monitoring Requirements

- a. Visual Monitoring Requirements:
- i. Risk Level 2 dischargers shall visually observe (inspect) each drainage area for the presence of (or indications of prior) unauthorized and authorized non-storm water discharges and their sources.
 - ii. Risk Level 2 dischargers shall conduct one visual observation (inspection) quarterly in each of the following periods: January-March, April-June, July-September, and October-December. Visual observation (inspections) are only required during daylight hours (sunrise to sunset).
 - iii. Risk Level 2 dischargers shall ensure that visual observations (inspections) document the presence or evidence of any non-storm water discharge (authorized or unauthorized), pollutant characteristics (floating and suspended material, sheen, discoloration, turbidity, odor, etc.), and source. Risk Level 2 dischargers shall maintain on-site records indicating the personnel performing the visual observation (inspections), the dates and approximate time each drainage area and non-storm water discharge was observed, and the response taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water discharges.
- b. Effluent Sampling Locations:
- i. Risk Level 2 dischargers shall sample effluent at all discharge points where non-storm water and/or authorized non-storm water is discharged off-site.
 - ii. Risk Level 2 dischargers shall send all non-storm water sample analyses to a laboratory certified for such analyses by the State Department of Health Services.
 - iii. Risk Level 2 dischargers shall monitor and report run-on from surrounding areas if there is reason to believe run-on may contribute to an exceedance of NALs.

11. Risk Level 2 – Non-Visible Pollutant Monitoring Requirements

- a. Risk Level 2 dischargers shall collect one or more samples during any breach, malfunction, leakage, or spill observed during a visual

inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.

- b. Risk Level 2 dischargers shall ensure that water samples are large enough to characterize the site conditions.
- c. Risk Level 2 dischargers shall collect samples at all discharge locations that can be safely accessed.
- d. Risk Level 2 dischargers shall collect samples during the first two hours of discharge from rain events that occur during business hours and which generate runoff.
- e. Risk Level 2 dischargers shall analyze samples for all non-visible pollutant parameters (if applicable) - parameters indicating the presence of pollutants identified in the pollutant source assessment required (Risk Level 2 dischargers shall modify their CSMPs to address these additional parameters in accordance with any updated SWPPP pollutant source assessment).
- f. Risk Level 2 dischargers shall collect a sample of storm water that has not come in contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample) for comparison with the discharge sample.
- g. Risk Level 2 dischargers shall compare the uncontaminated sample to the samples of discharge using field analysis or through laboratory analysis.⁶
- h. Risk Level 2 dischargers shall keep all field /or analytical data in the SWPPP document.

12. Risk Level 2 – Watershed Monitoring Option

Risk Level 2 dischargers who are part of a qualified regional watershed-based monitoring program may be eligible for relief from the requirements in Sections I.5. The Regional Water Board may approve proposals to substitute an acceptable watershed-based monitoring program by determining if the watershed-based monitoring program will provide substantially similar monitoring information in evaluating discharger compliance with the requirements of this General Permit.

⁶ For laboratory analysis, all sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136. Field discharge samples shall be collected and analyzed according to the specifications of the manufacturer of the sampling devices employed.

13. Risk Level 2 – Particle Size Analysis for Project Risk Justification

Risk Level 2 dischargers justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and clay on the site.

14. Risk Level 2 – Records

Risk Level 2 dischargers shall retain records of all storm water monitoring information and copies of all reports (including Annual Reports) for a period of at least three years. Risk Level 2 dischargers shall retain all records on-site while construction is ongoing. These records include:

- a. The date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation.
- b. The individual(s) who performed the facility inspections, sampling, visual observation (inspections), and or measurements.
- c. The date and approximate time of analyses.
- d. The individual(s) who performed the analyses.
- e. A summary of all analytical results from the last three years, the method detection limits and reporting units, the analytical techniques or methods used, and the chain of custody forms.
- f. Rain gauge readings from site inspections;
- g. Quality assurance/quality control records and results.
- h. Non-storm water discharge inspections and visual observation (inspections) and storm water discharge visual observation records (see Sections I.3 and I.10 above).
- i. Visual observation and sample collection exception records (see Section I.6 above).
- j. The records of any corrective actions and follow-up activities that resulted from analytical results, visual observation (inspections), or inspections.

15. Risk Level 2 – NAL Exceedance Report

- a. In the event that any effluent sample exceeds an applicable NAL, Risk Level 2 dischargers shall electronically submit all storm event sampling results to the State Water Board no later than 10 days after the conclusion of the storm event. The Regional Boards have the authority to require the submittal of an NAL Exceedance Report.
- b. Risk Level 2 dischargers shall certify each NAL Exceedance Report in accordance with the Special Provisions for Construction Activity.
- c. Risk Level 2 dischargers shall retain an electronic or paper copy of each NAL Exceedance Report for a minimum of three years after the date the annual report is filed.
- d. Risk Level 2 dischargers shall include in the NAL Exceedance Report:
 - i. The analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as “less than the method detection limit”).
 - ii. The date, place, time of sampling, visual observation (inspections), and/or measurements, including precipitation.
 - iii. A description of the current BMPs associated with the effluent sample that exceeded the NAL and the proposed corrective actions taken.

Table 3 – Risk Level 2 Test Methods, Detection Limits, Reporting Units and Applicable NALs/NELs

Parameter	Test Method / Protocol	Discharge Type	Min. Detection Limit	Reporting Units	Numeric Action Level
pH	Field test with calibrated portable instrument	Risk Level 2 Discharges	0.2	pH units	lower NAL = 6.5 upper NAL = 8.5
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Risk Level 2 Discharges other than ATS	1	NTU	250 NTU
		For ATS discharges	1	NTU	N/A

ATTACHMENT E RISK LEVEL 3 REQUIREMENTS

A. Effluent Standards

[These requirements are the same as those in the General Permit order.]

1. Narrative – Risk Level 3 dischargers shall comply with the narrative effluent standards listed below:
 - a. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of reportable quantities established in 40 C.F.R. §§ 117.3 and 302.4, unless a separate NPDES Permit has been issued to regulate those discharges.
 - b. Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
2. Numeric –Risk Level 3 dischargers are subject to a pH NAL of 6.5-8.5, and a turbidity NAL of 250 NTU.

B. Good Site Management "Housekeeping"

1. Risk Level 3 dischargers shall implement good site management (i.e., "housekeeping") measures for construction materials that could potentially be a threat to water quality if discharged. At a minimum, Risk Level 3 dischargers shall implement the following good housekeeping measures:
 - a. Conduct an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - b. Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).

- c. Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).
 - d. Minimize exposure of construction materials to precipitation. This does not include materials and equipment that are designed to be outdoors and exposed to environmental conditions (i.e. poles, equipment pads, cabinets, conductors, insulators, bricks, etc.).
 - e. Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.
2. Risk Level 3 dischargers shall implement good housekeeping measures for waste management, which, at a minimum, shall consist of the following:
- a. Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.
 - b. Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.
 - c. Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.
 - d. Cover waste disposal containers at the end of every business day and during a rain event.
 - e. Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.
 - f. Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
 - g. Implement procedures that effectively address hazardous and non-hazardous spills.
 - h. Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require that:
 - i. Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly; and

- ii. Appropriate spill response personnel are assigned and trained.
 - i. Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.
3. Risk Level 3 dischargers shall implement good housekeeping for vehicle storage and maintenance, which, at a minimum, shall consist of the following:
 - a. Prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
 - b. Place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
 - c. Clean leaks immediately and disposing of leaked materials properly.
4. Risk Level 3 dischargers shall implement good housekeeping for landscape materials, which, at a minimum, shall consist of the following:
 - a. Contain stockpiled materials such as mulches and topsoil when they are not actively being used.
 - b. Contain fertilizers and other landscape materials when they are not actively being used.
 - c. Discontinuing the application of any erodible landscape material within 2 days before a forecasted rain event or during periods of precipitation.
 - d. Applying erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.
 - e. Stacking erodible landscape material on pallets and covering or storing such materials when not being used or applied.
5. Risk Level 3 dischargers shall conduct an assessment and create a list of potential pollutant sources and identify any areas of the site where additional BMPs are necessary to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges. This potential pollutant list shall be kept with the SWPPP and shall identify

all non-visible pollutants which are known, or should be known, to occur on the construction site. At a minimum, when developing BMPs, Risk Level 3 dischargers shall do the following:

- a. Consider the quantity, physical characteristics (e.g., liquid, powder, solid), and locations of each potential pollutant source handled, produced, stored, recycled, or disposed of at the site.
 - b. Consider the degree to which pollutants associated with those materials may be exposed to and mobilized by contact with storm water.
 - c. Consider the direct and indirect pathways that pollutants may be exposed to storm water or authorized non-storm water discharges. This shall include an assessment of past spills or leaks, non-storm water discharges, and discharges from adjoining areas.
 - d. Ensure retention of sampling, visual observation, and inspection records.
 - e. Ensure effectiveness of existing BMPs to reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges.
6. Risk Level 3 dischargers shall implement good housekeeping measures on the construction site to control the air deposition of site materials and from site operations. Such particulates can include, but are not limited to, sediment, nutrients, trash, metals, bacteria, oil and grease and organics.
7. **Additional Risk Level 3 Requirement:** Risk Level 3 dischargers shall document all housekeeping BMPs in the SWPPP and REAP(s) in accordance with the nature and phase of the construction project. Construction phases at traditional land development projects include Grading and Land Development Phase, Streets and Utilities, or Vertical Construction for traditional land development projects.

C. Non-Storm Water Management

1. Risk Level 3 dischargers shall implement measures to control all non-storm water discharges during construction.
2. Risk Level 3 dischargers shall wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.

3. Risk Level 3 dischargers shall clean streets in such a manner as to prevent unauthorized non-storm water discharges from reaching surface water or MS4 drainage systems.

D. Erosion Control

1. Risk Level 3 dischargers shall implement effective wind erosion control.
2. Risk Level 3 dischargers shall provide effective soil cover for inactive¹ areas and all finished slopes, open space, utility backfill, and completed lots.
3. Dischargers shall limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation.

E. Sediment Controls

1. Risk Level 3 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
2. On sites where sediment basins are to be used, Risk Level 3 dischargers shall, at minimum, design sediment basins according to the method provided in CASQA's Construction BMP Guidance Handbook.
3. **Additional Risk Level 3 Requirement:** Risk Level 3 dischargers shall implement appropriate erosion control BMPs (runoff control and soil stabilization) in conjunction with sediment control BMPs for areas under active² construction.
4. **Additional Risk Level 3 Requirement:** Risk Level 3 dischargers shall apply linear sediment controls along the toe of the slope, face of the slope, and at the grade breaks of exposed slopes to comply with sheet flow lengths³ in accordance with Table 1.

¹ Inactive areas of construction are areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days.

² Active areas of construction are areas undergoing land surface disturbance. This includes construction activity during the preliminary stage, mass grading stage, streets and utilities stage and the vertical construction stage

³ Sheet flow length is the length that shallow, low velocity flow travels across a site.

Table 1 - Critical Slope/Sheet Flow Length Combinations

Slope Percentage	Sheet flow length not to exceed
0-25%	20 feet
25-50%	15 feet
Over 50%	10 feet

5. **Additional Risk Level 3 Requirement:** Risk Level 3 dischargers shall ensure that construction activity traffic to and from the project is limited to entrances and exits that employ effective controls to prevent offsite tracking of sediment.
6. **Additional Risk Level 3 Requirement:** Risk Level 3 dischargers shall ensure that all storm drain inlets and perimeter controls, runoff control BMPs, and pollutant controls at entrances and exits (e.g. tire washoff locations) are maintained and protected from activities that reduce their effectiveness.
7. **Additional Risk Level 3 Requirement:** Risk Level 3 dischargers shall inspect on a daily basis all immediate access roads daily. At a minimum daily (when necessary) and prior to any rain event, the discharger shall remove any sediment or other construction activity-related materials that are deposited on the roads (by vacuuming or sweeping).
8. **Additional Risk Level 3 Requirement:** The Regional Water Board may require Risk Level 3 dischargers to implement additional site-specific sediment control requirements if the implementation of the other requirements in this section are not adequately protecting the receiving waters.

F. Run-on and Run-off Controls

Risk Level 3 dischargers shall effectively manage all run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in this General Permit.

G. Inspection, Maintenance and Repair

1. Risk Level 3 dischargers shall ensure that all inspection, maintenance repair and sampling activities at the project location shall be performed or supervised by a Qualified SWPPP Practitioner (QSP) representing the discharger. The QSP may delegate any or all of these activities to an employee appropriately trained to do the task(s).

2. Risk Level 3 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP.
3. Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 3 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
4. For each inspection required, Risk Level 3 dischargers shall complete an inspection checklist, using a form provided by the State Water Board or Regional Water Board or in an alternative format.
5. Risk Level 3 dischargers shall ensure that checklists shall remain onsite with the SWPPP and at a minimum, shall include:
 - a. Inspection date and date the inspection report was written.
 - b. Weather information, including presence or absence of precipitation, estimate of beginning of qualifying storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall in inches.
 - c. Site information, including stage of construction, activities completed, and approximate area of the site exposed.
 - d. A description of any BMPs evaluated and any deficiencies noted.
 - e. If the construction site is safely accessible during inclement weather, list the observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and any projected maintenance activities.
 - f. Report the presence of noticeable odors or of any visible sheen on the surface of any discharges.
 - g. Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.
 - h. Photographs taken during the inspection, if any.

- i. Inspector's name, title, and signature.

H. Rain Event Action Plan

1. **Additional Risk Level 3 Requirement:** The discharger shall ensure a QSP develop a Rain Event Action Plan (REAP) 48 hours prior to any likely precipitation event. A likely precipitation event is any weather pattern that is forecast to have a 50% or greater probability of producing precipitation in the project area. The QSP shall obtain a printed copy of precipitation forecast information from the National Weather Service Forecast Office (e.g., by entering the zip code of the project's location at <http://www.srh.noaa.gov/forecast>).
2. **Additional Risk Level 3 Requirement:** The discharger shall ensure a QSP develop the REAPs for all phases of construction (i.e., Grading and Land Development, Streets and Utilities, Vertical Construction, Final Landscaping and Site Stabilization).
3. **Additional Risk Level 3 Requirement:** The discharger shall ensure a QSP ensure that the REAP include, at a minimum, the following site information:
 - a. Site Address.
 - b. Calculated Risk Level (2 or 3).
 - c. Site Storm Water Manager Information including the name, company, and 24-hour emergency telephone number.
 - d. Erosion and Sediment Control Provider information including the name, company, and 24-hour emergency telephone number.
 - e. Storm Water Sampling Agent information including the name, company, and 24-hour emergency telephone number.
4. **Additional Risk Level 3 Requirement:** The QSP shall include in the REAP, at a minimum, the following project phase information:
 - a. Activities associated with each construction phase.
 - b. Trades active on the construction site during each construction phase.
 - c. Trade contractor information.
 - d. Suggested actions for each project phase.
5. **Additional Risk Level 3 Requirement:** The QSP shall develop additional REAPs for project sites where construction activities are indefinitely halted or postponed (Inactive Construction). At a minimum, Inactive Construction REAPs must include:

- a. Site Address.
 - b. Calculated Risk Level (2 or 3).
 - c. Site Storm Water Manager Information including the name, company, and 24-hour emergency telephone number.
 - d. Erosion and Sediment Control Provider information including the name, company, and 24-hour emergency telephone number.
 - e. Storm Water Sampling Agent information including the name, company, and 24-hour emergency telephone number.
 - f. Trades active on site during Inactive Construction.
 - g. Trade contractor information.
 - h. Suggested actions for inactive construction sites.
6. **Additional Risk Level 3 Requirement:** The discharger shall ensure a QSP begin implementation and make the REAP available onsite no later than 24 hours prior to the likely precipitation event.
7. **Additional Risk Level 3 Requirement:** The discharger shall ensure a QSP maintain onsite a paper copy of each REAP onsite in compliance with the record retention requirements of the Special Provisions in this General Permit.

I. Risk Level 3 Monitoring and Reporting Requirements

Table 2- Summary of Monitoring Requirements

Risk Level	Visual Inspections					Sample Collection	
	Quarterly Non-storm Water Discharge	Pre-storm Event		Daily Storm BMP	Post Storm	Storm Water Discharge	Receiving Water
		Baseline	REAP				
3	X	X	X	X	X	X	X⁴

1. Construction Site Monitoring Program Requirements

- a. Pursuant to Water Code Sections 13383 and 13267, all dischargers subject to this General Permit shall develop and implement a written site-specific Construction Site Monitoring Program (CSMP) in accordance with the requirements of this Section. The CSMP shall include all monitoring procedures and instructions, location maps, forms, and checklists as required in this section. The CSMP shall be developed prior to the commencement of construction activities, and revised as necessary to reflect project revisions. The CSMP shall be a part of the Storm Water Pollution Prevention Plan (SWPPP), included as an appendix or separate SWPPP chapter.
- b. Existing dischargers registered under the State Water Board Order No. 99-08-DWQ shall make and implement necessary revisions to their Monitoring Program to reflect the changes in this General Permit in a timely manner, but no later than July 1, 2010. Existing dischargers shall continue to implement their existing Monitoring Program in compliance with State Water Board Order No. 99-08-DWQ until the necessary revisions are completed according to the schedule above.
- c. When a change of ownership occurs for all or any portion of the construction site prior to completion or final stabilization, the new discharger shall comply with these requirements as of the date the ownership change occurs.

2. Objectives

The CSMP shall be developed and implemented to address the following objectives:

⁴ When receiving water monitoring trigger is exceeded

- a. To demonstrate that the site is in compliance with the Discharge Prohibitions and applicable Numeric Action Levels (NALs) of this General Permit.
 - b. To determine whether non-visible pollutants are present at the construction site and are causing or contributing to exceedances of water quality objectives.
 - c. To determine whether immediate corrective actions, additional Best Management Practice (BMP) implementation, or SWPPP revisions are necessary to reduce pollutants in storm water discharges and authorized non-storm water discharges.
 - d. To determine whether BMPs included in the SWPPP/Rain Event Action Plan (REAP) are effective in preventing or reducing pollutants in storm water discharges and authorized non-storm water discharges.
- 3. Risk Level 3 – Visual Monitoring (Inspection) Requirements for Qualifying Rain Events**
- a. Risk Level 3 dischargers shall visually observe (inspect) storm water discharges at all discharge locations within two business days (48 hours) after each qualifying rain event.
 - b. Risk Level 3 dischargers shall visually observe (inspect) the discharge of stored or contained storm water that is derived from and discharged subsequent to a qualifying rain event producing precipitation of ½ inch or more at the time of discharge. Stored or contained storm water that will likely discharge after operating hours due to anticipated precipitation shall be observed prior to the discharge during operating hours.
 - c. Risk Level 3 dischargers shall conduct visual observations (inspections) during business hours only.
 - d. Risk Level 3 dischargers shall record the time, date and rain gauge reading of all qualifying rain events.
 - e. Within 2 business days (48 hours) prior to each qualifying rain event, Risk Level 3 dischargers shall visually observe (inspect):
 - i. all storm water drainage areas to identify any spills, leaks, or uncontrolled pollutant sources. If needed, the discharger shall implement appropriate corrective actions.

- ii. all BMPs to identify whether they have been properly implemented in accordance with the SWPPP/REAP. If needed, the discharger shall implement appropriate corrective actions.
 - iii. any storm water storage and containment areas to detect leaks and ensure maintenance of adequate freeboard.
- f. For the visual observations (inspections) described in c.i. and c.iii above, Risk Level 3 dischargers shall observe the presence or absence of floating and suspended materials, a sheen on the surface, discolorations, turbidity, odors, and source(s) of any observed pollutants.
 - g. Within two business days (48 hours) after each qualifying rain event, Risk Level 3 dischargers shall conduct post rain event visual observations (inspections) to (1) identify whether BMPs were adequately designed, implemented, and effective, and (2) identify additional BMPs and revise the SWPPP accordingly.
 - h. Risk Level 3 dischargers shall maintain on-site records of all visual observations (inspections), personnel performing the observations, observation dates, weather conditions, locations observed, and corrective actions taken in response to the observations.

4. Risk Level 3 – Water Quality Sampling and Analysis

- a. Risk Level 3 dischargers shall collect storm water grab samples from sampling locations, as defined in Section I.5. The storm water grab sample(s) obtained shall be representative of the flow and characteristics of the discharge.
- b. At minimum, Risk Level 3 dischargers shall collect 3 samples per day of the qualifying event.
- c. Risk Level 3 dischargers shall ensure that the grab samples collected of stored or contained storm water are from discharges subsequent to a qualifying rain event (producing precipitation of ½ inch or more at the time of discharge).

Storm Water Effluent Monitoring Requirements

- d. Risk Level 3 dischargers shall analyze their effluent samples for:
 - i. pH and turbidity.

- ii. Any additional parameters for which monitoring is required by the Regional Water Board.
- e. Risk 3 dischargers shall electronically submit all storm event sampling results to the State Water Board no later than 10 days after the conclusion of the storm event.

Receiving Water Monitoring Requirements

- f. In the event that a Risk Level 3 discharger's effluent exceeds the daily average receiving water monitoring trigger of 500 NTU turbidity or the daily average pH range 6.0-9.0 contained in this General Permit and has a direct discharge into receiving waters, the Risk Level 3 discharger shall subsequently sample receiving waters (RWs) for turbidity, pH (if applicable), and SSC for the duration of coverage under this General Permit. If a Risk Level 3 discharger utilizing ATS with direct discharges into receiving waters discharges effluent that exceeds the NELs in this permit, the discharger shall subsequently sample RWs for turbidity, pH (if applicable), and SSC for the duration of coverage under this General Permit.
- g. Risk Level 3 dischargers disturbing 30 acres or more of the landscape and with direct discharges into receiving waters shall conduct or participate in benthic macroinvertebrate bioassessment of RWs prior to commencement of construction activity (See Appendix 3).
- h. Risk Level 3 dischargers shall obtain RW samples in accordance with the Receiving Water sampling location section (Section I.5), below.

5. Risk Level 3 – Storm Water Discharge Water Quality Sampling Locations

Effluent Sampling Locations

- a. Risk Level 3 dischargers shall perform sampling and analysis of storm water discharges to characterize discharges associated with construction activity from the entire project disturbed area.
- b. Risk Level 3 dischargers shall collect effluent samples at all discharge points where storm water is discharged off-site.

- c. Risk Level 3 dischargers shall ensure that storm water discharge collected and observed represent⁵ the effluent in each drainage area based on visual observation of the water and upstream conditions.
- d. Risk Level 3 dischargers shall monitor and report site run-on from surrounding areas if there is reason to believe run-on may contribute to an exceedance of NALs.
- e. Risk Level 3 dischargers who deploy an ATS on their site, or a portion on their site, shall collect ATS effluent samples and measurements from the discharge pipe or another location representative of the nature of the discharge.
- f. Risk Level 3 dischargers shall select analytical test methods from the list provided in Table 3 below.
- g. All storm water sample collection preservation and handling shall be conducted in accordance with Section 1.7 “Storm Water Sample Collection and Handling Instructions” below.

Receiving Water Sampling Locations

- h. **Upstream/up-gradient RW samples:** Risk Level 3 dischargers shall obtain any required upstream/up-gradient receiving water samples from a representative and accessible location as close as possible and upstream from the effluent discharge point.
- i. **Downstream/down-gradient RW samples:** Risk Level 3 dischargers shall obtain any required downstream/down-gradient receiving water samples from a representative and accessible location as close as possible and downstream from the effluent discharge point.
- j. If two or more discharge locations discharge to the same receiving water, Risk Level 3 dischargers may sample the receiving water at a single upstream and downstream location.

⁵ For example, if there has been concrete work recently in an area, or drywall scrap is exposed to the rain, a pH sample shall be taken of drainage from the relevant work area. Similarly, if sediment-laden water is flowing through some parts of a silt fence, samples shall be taken of the sediment laden water even if most water flowing through the fence is clear.

6. Risk Level 3 – Visual Observation and Sample Collection Exemptions

- a. Risk Level 3 dischargers shall be prepared to collect samples and conduct visual observation (inspections) until the minimum requirements of Sections I.3 and I.4 above are completed. Risk Level 3 dischargers are not required to physically collect samples or conduct visual observation (inspections) under the following conditions:
 - i. During dangerous weather conditions such as flooding and electrical storms.
 - ii. Outside of scheduled site business hours.
- b. If no required samples or visual observation (inspections) are collected due to these exceptions, Risk Level 3 dischargers shall include an explanation in their SWPPP and in the Annual Report documenting why the sampling or visual observation (inspections) were not conducted.

7. Risk Level 3 – Storm Water Sample Collection and Handling Instructions

- a. Risk Level 3 dischargers shall refer to Table 3 below for test methods, detection limits, and reporting units.
- b. Risk Level 3 dischargers shall ensure that testing laboratories will receive samples within 48 hours of the physical sampling (unless otherwise required by the laboratory), and shall use only the sample containers provided by the laboratory to collect and store samples.
- c. Risk Level 3 dischargers shall designate and train personnel to collect, maintain, and ship samples in accordance with the Surface Water Ambient Monitoring Program's (SWAMP) 2008 Quality Assurance Program Plan (QAPrP).⁶

⁶ Additional information regarding SWAMP's QAPrP can be found at http://www.waterboards.ca.gov/water_issues/programs/swamp/.

QAPrP:http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/qapp/swamp_qapp_master090108a.pdf

8. Risk Level 3 – Monitoring Methods

- a. Risk Level 3 dischargers shall include a description of the following items in the CSMP:
 - i. Visual observation locations, visual observation procedures, and visual observation follow-up and tracking procedures.
 - ii. Sampling locations, and sample collection and handling procedures. This shall include detailed procedures for sample collection, storage, preservation, and shipping to the testing lab to assure that consistent quality control and quality assurance is maintained. Dischargers shall attach to the monitoring program an example Chain of Custody form used when handling and shipping samples.
 - iii. Identification of the analytical methods and related method detection limits (if applicable) for each parameter required in Section I.4 above.
- b. Risk Level 3 dischargers shall ensure that all sampling and sample preservation are in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment (including a discharger's own field instruments for measuring pH and turbidity) should be calibrated and maintained in accordance with manufacturers' specifications to ensure accurate measurements. Risk Level 3 dischargers shall ensure that all laboratory analyses are conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the Regional Water Board. With the exception of field analysis conducted by the discharger for turbidity and pH, all analyses should be sent to and conducted at a laboratory certified for such analyses by the State Department of Health Services (SSC exception). Risk Level 3 dischargers shall conduct their own field analysis of pH and may conduct their own field analysis of turbidity if the discharger has sufficient capability (qualified and trained employees, properly calibrated and maintained field instruments, etc.) to adequately perform the field analysis.

9. Risk Level 3 – Analytical Methods

- a. Risk Level 3 dischargers shall refer to Table 3 below for test methods, detection limits, and reporting units.

- b. **pH:** Risk Level 3 dischargers shall perform pH analysis on-site with a calibrated pH meter or a pH test kit. Risk Level 3 dischargers shall record pH monitoring results on paper and retain these records in accordance with Section I.14, below.
- c. **Turbidity:** Risk Level 3 dischargers shall perform turbidity analysis using a calibrated turbidity meter (turbidimeter), either on-site or at an accredited lab. Acceptable test methods include Standard Method 2130 or USEPA Method 180.1. The results will be recorded in the site log book in Nephelometric Turbidity Units (NTU).
- d. **Suspended sediment concentration (SSC):** Risk Level 3 dischargers that exceed the turbidity Receiving Water Monitoring Trigger shall perform SSC analysis using ASTM Method D3977-97.
- e. **Bioassessment:** Risk Level 3 dischargers shall perform bioassessment sampling and analysis according to Appendix 3 of this General Permit.

10. Risk Level 3 - Non-Storm Water Discharge Monitoring Requirements

- a. Visual Monitoring Requirements:
 - i. Risk Level 3 dischargers shall visually observe (inspect) each drainage area for the presence of (or indications of prior) unauthorized and authorized non-storm water discharges and their sources.
 - ii. Risk Level 3 dischargers shall conduct one visual observation (inspection) quarterly in each of the following periods: January-March, April-June, July-September, and October-December. Visual observation (inspections) are only required during daylight hours (sunrise to sunset).
 - iii. Risk Level 3 dischargers shall ensure that visual observations (inspections) document the presence or evidence of any non-storm water discharge (authorized or unauthorized), pollutant characteristics (floating and suspended material, sheen, discoloration, turbidity, odor, etc.), and source. Risk Level 3 dischargers shall maintain on-site records indicating the personnel performing the visual observation (inspections), the dates and approximate time each drainage area and non-storm water discharge was observed, and the response taken to eliminate unauthorized non-storm water discharges and to

reduce or prevent pollutants from contacting non-storm water discharges.

- b. Effluent Sampling Locations:
 - i. Risk Level 3 dischargers shall sample effluent at all discharge points where non-storm water and/or authorized non-storm water is discharged off-site.
 - ii. Risk Level 3 dischargers shall send all non-storm water sample analyses to a laboratory certified for such analyses by the State Department of Health Services.
 - iii. Risk Level 3 dischargers shall monitor and report run-on from surrounding areas if there is reason to believe run-on may contribute to an exceedance of NALs.

11. Risk Level 3 – Non-Visible Pollutant Monitoring Requirements

- a. Risk Level 3 dischargers shall collect one or more samples during any breach, malfunction, leakage, or spill observed during a visual inspection which could result in the discharge of pollutants to surface waters that would not be visually detectable in storm water.
- b. Risk Level 3 dischargers shall ensure that water samples are large enough to characterize the site conditions.
- c. Risk Level 3 dischargers shall collect samples at all discharge locations that can be safely accessed.
- d. Risk Level 3 dischargers shall collect samples during the first two hours of discharge from rain events that occur during business hours and which generate runoff.
- e. Risk Level 3 dischargers shall analyze samples for all non-visible pollutant parameters (if applicable) - parameters indicating the presence of pollutants identified in the pollutant source assessment required (Risk Level 3 dischargers shall modify their CSMPs to address these additional parameters in accordance with any updated SWPPP pollutant source assessment).
- f. Risk Level 3 dischargers shall collect a sample of storm water that has not come in contact with the disturbed soil or the materials stored or used on-site (uncontaminated sample) for comparison with the discharge sample.

- g. Risk Level 3 dischargers shall compare the uncontaminated sample to the samples of discharge using field analysis or through laboratory analysis.⁷
- h. Risk Level 3 dischargers shall keep all field /or analytical data in the SWPPP document.

12. Risk Level 3 – Watershed Monitoring Option

Risk Level 3 dischargers who are part of a qualified regional watershed-based monitoring program may be eligible for relief from the requirements in Sections I.5. The Regional Water Board may approve proposals to substitute an acceptable watershed-based monitoring program by determining if the watershed-based monitoring program will provide substantially similar monitoring information in evaluating discharger compliance with the requirements of this General Permit.

13. Risk Level 3 – Particle Size Analysis for Project Risk Justification

Risk Level 3 dischargers justifying an alternative project risk shall report a soil particle size analysis used to determine the RUSLE K-Factor. ASTM D-422 (Standard Test Method for Particle-Size Analysis of Soils), as revised, shall be used to determine the percentages of sand, very fine sand, silt, and clay on the site.

14. Risk Level 3 – Records

Risk Level 3 dischargers shall retain records of all storm water monitoring information and copies of all reports (including Annual Reports) for a period of at least three years. Risk Level 3 dischargers shall retain all records on-site while construction is ongoing. These records include:

- a. The date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation.
- b. The individual(s) who performed the facility inspections, sampling, visual observation (inspections), and or measurements.
- c. The date and approximate time of analyses.

⁷ For laboratory analysis, all sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136. Field discharge samples shall be collected and analyzed according to the specifications of the manufacturer of the sampling devices employed.

- d. The individual(s) who performed the analyses.
- e. A summary of all analytical results from the last three years, the method detection limits and reporting units, the analytical techniques or methods used, and the chain of custody forms.
- f. Rain gauge readings from site inspections.
- g. Quality assurance/quality control records and results.
- h. Non-storm water discharge inspections and visual observation (inspections) and storm water discharge visual observation records (see Sections I.3 and I.10 above).
- i. Visual observation and sample collection exception records (see Section I.6 above).
- j. The records of any corrective actions and follow-up activities that resulted from analytical results, visual observation (inspections), or inspections.

15. Risk Level 3 – NAL Exceedance Report

- a. Risk Level 3 dischargers shall electronically submit all storm event sampling results to the State Water Board no later than 10 days after the conclusion of the storm event. The Regional Boards have the authority to require the submittal of an NAL Exceedance Report.
- b. Risk Level 3 dischargers shall certify each NAL Exceedance Report in accordance with the Special Provisions for Construction Activity In this General Permit.
- c. Risk Level 3 dischargers shall retain an electronic or paper copy of each NAL Exceedance Report for a minimum of three years after the date the annual report is filed.
- d. Risk Level 3 dischargers shall include in the NAL Exceedance Report:
 - i. The analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as “less than the method detection limit”).

- ii. The date, place, time of sampling, visual observation (inspections), and/or measurements, including precipitation.
- iii. A description of the current BMPs associated with the effluent sample that exceeded the NAL and the proposed corrective actions taken.

16. Risk Level 3 – Bioassessment

- a. Risk Level 3 dischargers with a total project-related ground disturbance exceeding 30 acres shall:
 - i. Conduct bioassessment monitoring, as described in Appendix 3.
 - ii. Include the collection and reporting of specified in stream biological data and physical habitat.
 - iii. Use the bioassessment sample collection and Quality Assurance & Quality Control (QA/QC) protocols developed by the State of California's Surface Water Ambient Monitoring Program (SWAMP).⁸
 - b. Risk Level 3 dischargers qualifying for bioassessment, where construction commences out of an index period for the site location shall:
 - i. Receive Regional Board approval for the sampling exception.
 - ii. Conduct bioassessment monitoring, as described in Appendix 3.
 - iii. Include the collection and reporting of specified instream biological data and physical habitat.
 - iv. Use the bioassessment sample collection and Quality Assurance & Quality Control (QA/QC) protocols developed by the State of California's Surface Water Ambient Monitoring Program (SWAMP).
- OR
- v. Make a check payable to: Cal State Chico Foundation (SWAMP Bank Account) or San Jose State Foundation (SWAMP Bank Account) and include the WDID# on the check for the amount calculated for the exempted project.

⁸ http://www.waterboards.ca.gov/water_issues/programs/swamp/.

- vi. Send a copy of the check to the Regional Water Board office for the site's region.
- vii. Invest **\$7,500.00 X The number of samples required** into the SWAMP program as compensation (upon regional board approval).

Table 3 – Risk Level 3 Test Methods, Detection Limits, Reporting Units and Applicable NALs

Parameter	Test Method / Protocol	Discharge Type	Min. Detection Limit	Reporting Units	Numeric Action Level	Numeric Effluent Limitation	Receiving Water Monitoring Trigger
pH	Field test with calibrated portable instrument	Risk Level 3 Discharges	0.2	pH units	lower NAL = 6.5 upper NAL = 8.5	N/A	lower limit = 6.0 upper limit = 9.0
Turbidity	EPA 0180.1 and/or field test with calibrated portable instrument	Risk Level 3 Discharges other than ATS	1	NTU	250 NTU	N/A	500 NTU
		For ATS discharges	1	NTU	N/A	10 NTU for Daily Weighted Average & 20 NTU for Any Single Sample	10 NTU for Daily Weighted Average & 20 NTU for Any Single Sample
SSC	ASTM Method D 3977-97 ⁹	Risk Level 3 (if Receiving Water Monitoring Trigger exceeded)	5	mg/L	N/A	N/A	N/A
Bioassessment	(STE) Level I of (SAFIT), ¹⁰ fixed-count of 600 org/sample	Risk Level 3 projects > 30 acres	N/A	N/A	N/A	N/A	N/A

⁹ ASTM, 1999, Standard Test Method for Determining Sediment Concentration in Water Samples: American Society of Testing and Materials, D 3977-97, Vol. 11.02, pp. 389-394.

¹⁰ The current SAFIT STEs (28 November 2006) list requirements for both the Level I and Level II taxonomic effort, and are located at: http://www.swrcb.ca.gov/swamp/docs/safit/ste_list.pdf. When new editions are published by SAFIT, they will supersede all previous editions. All editions will be posted at the State Water Board's SWAMP website.

ATTACHMENT F: Active Treatment System (ATS) Requirements

Table 1 – Numeric Effluent Limitations, Numeric Action Levels, Test Methods, Detection Limits, and Reporting Units

Parameter	Test Method	Discharge Type	Min. Detection Limit	Units	Numeric Action Level	Numeric Effluent Limitation
Turbidity	EPA 0180.1 and/or field test with a calibrated portable instrument	For ATS discharges	1	NTU	N/A	10 NTU for Daily Flow-Weighted Average & 20 NTU for Any Single Sample

A. Dischargers choosing to implement an Active Treatment System (ATS) on their site shall comply with all of the requirements in this Attachment.

B. The discharger shall maintain a paper copy of each ATS specification onsite in compliance with the record retention requirements in the Special Provisions of this General Permit.

C. ATS Design, Operation and Submittals

1. The ATS shall be designed and approved by a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Professional in Storm Water Quality (CPSWQ); a California registered civil engineer; or any other California registered engineer.
2. The discharger shall ensure that the ATS is designed in a manner to preclude the accidental discharge of settled floc¹ during floc pumping or related operations.
3. The discharger shall design outlets to dissipate energy from concentrated flows.
4. The discharger shall install and operate an ATS by assigning a lead person (or project manager) who has either a minimum of five years construction storm

¹ Floc is defined as a clump of solids formed by the chemical action in ATS systems.

water experience or who is a licensed contractors specifically holding a California Class A Contractors license.²

5. The discharger shall prepare an ATS Plan that combines the site-specific data and treatment system information required to safely and efficiently operate an ATS. The ATS Plan shall be electronically submitted to the State Water Board at least 14 days prior to the planned operation of the ATS and a paper copy shall be available onsite during ATS operation. At a minimum, the ATS Plan shall include:
 - a. ATS Operation and Maintenance Manual for All Equipment.
 - b. ATS Monitoring, Sampling & Reporting Plan, including Quality Assurance/Quality Control (QA/QC).
 - c. ATS Health and Safety Plan.
 - d. ATS Spill Prevention Plan.
6. The ATS shall be designed to capture and treat (within a 72-hour period) a volume equivalent to the runoff from a 10-year, 24-hour storm event using a watershed runoff coefficient of 1.0.

D. Treatment – Chemical Coagulation/Flocculation

1. Jar tests shall be conducted using water samples selected to represent typical site conditions and in accordance with ASTM D2035-08 (2003).
2. The discharger shall conduct, at minimum, six site-specific jar tests (per polymer with one test serving as a control) for each project to determine the proper polymer and dosage levels for their ATS.
3. Single field jar tests may also be conducted during a project if conditions warrant, for example if construction activities disturb changing types of soils, which consequently cause change in storm water and runoff characteristics.

E. Residual Chemical and Toxicity Requirements

1. The discharger shall utilize a residual chemical test method that has a method detection limit (MDL) of 10% or less than the maximum allowable threshold

² Business and Professions Code Division 3, Chapter 9, Article 4, Class A Contractor: A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill. [<http://www.cslb.ca.gov/General-Information/library/licensing-classifications.asp>].

concentration³ (MATC) for the specific coagulant in use and for the most sensitive species of the chemical used.

2. The discharger shall utilize a residual chemical test method that produces a result within one hour of sampling.
3. The discharger shall have a California State certified laboratory validate the selected residual chemical test. Specifically the lab will review the test protocol, test parameters, and the detection limit of the coagulant. The discharger shall electronically submit this documentation as part of the ATS Plan.
4. If the discharger cannot utilize a residual chemical test method that meets the requirements above, the discharger shall operate the ATS in Batch Treatment⁴ mode.
5. A discharger planning to operate in Batch Treatment mode shall perform toxicity testing in accordance with the following:
 - a. The discharger shall initiate acute toxicity testing on effluent samples representing effluent from each batch prior to discharge⁵. All bioassays shall be sent to a laboratory certified by the Department of Health Services (DHS) Environmental Laboratory Accreditation Program (ELAP). The required field of testing number for Whole Effluent Toxicity (WET) testing is E113.⁶
 - b. Acute toxicity tests shall be conducted with the following species and protocols. The methods to be used in the acute toxicity testing shall be those outlined for a 96-hour acute test in "Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, USEPA-841-R-02-012" for Fathead minnow, *Pimephales promelas* (fathead minnow). Acute toxicity for *Oncorhynchus mykiss* (Rainbow Trout) may be used as a substitute for testing fathead minnows.
 - c. All toxicity tests shall meet quality assurance criteria and test acceptability criteria in the most recent versions of the EPA test method for WET testing.
 - d. The discharger shall electronically report all acute toxicity testing.

³ The Maximum Allowable Threshold Concentration (MATC) is the allowable concentration of residual, or dissolved, coagulant/flocculant in effluent. The MATC shall be coagulant/flocculant-specific, and based on toxicity testing conducted by an independent, third-party laboratory. A typical MATC would be: The MATC is equal to the geometric mean of the NOEC (No Observed Effect Concentration) and LOEC (Lowest Observed Effect Concentration) Acute and Chronic toxicity results for most sensitive species determined for the specific coagulant. The most sensitive species test shall be used to determine the MATC.

⁴ Batch Treatment mode is defined as holding or recirculating the treated water in a holding basin or tank(s) until treatment is complete or the basin or storage tank(s) is full.

⁵ This requirement only requires that the test be initiated prior to discharge.

⁶ http://www.dhs.ca.gov/ps/ls/elap/pdf/FOT_Desc.pdf.

F. Filtration

1. The ATS shall include a filtration step between the coagulant treatment train and the effluent discharge. This is commonly provided by sand, bag, or cartridge filters, which are sized to capture suspended material that might pass through the clarifier tanks.
2. Differential pressure measurements shall be taken to monitor filter loading and confirm that the final filter stage is functioning properly.

G. Residuals Management

1. Sediment shall be removed from the storage or treatment cells as necessary to ensure that the cells maintain their required water storage (i.e., volume) capability.
2. Handling and disposal of all solids generated during ATS operations shall be done in accordance with all local, state, and federal laws and regulations.

H. ATS Instrumentation

1. The ATS shall be equipped with instrumentation that automatically measures and records effluent water quality data and flow rate.
2. The minimum data recorded shall be consistent with the Monitoring and Reporting requirements below, and shall include:
 - a. Influent Turbidity
 - b. Effluent Turbidity
 - c. Influent pH
 - d. Effluent pH
 - e. Residual Chemical
 - f. Effluent Flow rate
 - g. Effluent Flow volume
3. Systems shall be equipped with a data recording system, such as data loggers or webserver-based systems, which records each measurement on a frequency no longer than once every 15 minutes.

4. Cumulative flow volume shall be recorded daily. The data recording system shall have the capacity to record a minimum of seven days continuous data.
5. Instrumentation systems shall be interfaced with system control to provide auto shutoff or recirculation in the event that effluent measurements exceed turbidity or pH.
6. The system shall also assure that upon system upset, power failure, or other catastrophic event, the ATS will default to a recirculation mode or safe shut down.
7. Instrumentation (flow meters, probes, valves, streaming current detectors, controlling computers, etc.) shall be installed and maintained per manufacturer's recommendations, which shall be included in the QA/QC plan.
8. The QA/QC plan shall also specify calibration procedures and frequencies, instrument method detection limit or sensitivity verification, laboratory duplicate procedures, and other pertinent procedures.
9. The instrumentation system shall include a method for controlling coagulant dose, to prevent potential overdosing. Available technologies include flow/turbidity proportional metering, periodic jar testing and metering pump adjustment, and ionic charge measurement controlling the metering pump.

I. ATS Effluent Discharge

1. ATS effluent shall comply with all provisions and prohibitions in this General Permit, specifically the NELs.
2. NELs for discharges from an ATS:
 - a. Turbidity of all ATS discharges shall be less than 10 NTU for daily flow-weighted average of all samples and 20 NTU for any single sample.
 - b. Residual Chemical shall be < 10% of MATC⁷ for the most sensitive species of the chemical used.

⁷ The Maximum Allowable Threshold Concentration (MATC) is the allowable concentration of residual, or dissolved, coagulant/flocculant in effluent. The MATC shall be coagulant/flocculant-specific, and based on toxicity testing conducted by an independent, third-party laboratory. The MATC is equal to the geometric mean of the NOEC (No Observed Effect Concentration) and LOEC (Lowest Observed Effect Concentration) Acute and Chronic toxicity results for most sensitive species determined for the specific coagulant. The most sensitive species test shall be used to determine the MATC.

3. If an analytical effluent sampling result exceeds the turbidity NEL (as listed in Table 1), the discharger is in violation of this General Permit and shall electronically file the results in violation within 24-hours of obtaining the results.
4. If ATS effluent is authorized to discharge into a sanitary sewer system, the discharger shall comply with any pre-treatment requirements applicable for that system. The discharger shall include any specific criteria required by the municipality in the ATS Plan.
5. Compliance Storm Event:

Discharges of storm water from ATS shall comply with applicable NELs (above) unless the storm event causing the discharges is determined after the fact to be equal to or larger than the Compliance Storm Event (expressed in inches of rainfall). The Compliance Storm Event for ATS discharges is the 10 year, 24 hour storm, as determined using these maps:

<http://www.wrcc.dri.edu/pcpnfreq/nca10y24.gif>
<http://www.wrcc.dri.edu/pcpnfreq/sca10y24.gif>

This exemption is dependent on the submission of rain gauge data verifying the storm event is equal to or larger than the Compliance Storm.

J. Operation and Maintenance Plan

1. Each Project shall have a site-specific Operation and Maintenance (O&M) Manual covering the procedures required to install, operate and maintain the ATS.⁸
2. The O&M Manual shall only be used in conjunction with appropriate project-specific design specifications that describe the system configuration and operating parameters.
3. The O&M Manual shall have operating manuals for specific pumps, generators, control systems, and other equipment.

K. Sampling and Reporting Quality Assurance/ Quality Check (QA/QC) Plan

4. A project-specific QA/QC Plan shall be developed for each project. The QA/QC Plan shall include at a minimum:
 - a. Calibration – Calibration methods and frequencies for all system and field instruments shall be specified.

⁸ The manual is typically in a modular format covering generalized procedures for each component that is utilized in a particular system.

- b. Method Detection Limits (MDLs) – The methods for determining MDLs shall be specified for each residual coagulant measurement method. Acceptable minimum MDLs for each method, specific to individual coagulants, shall be specified.
- c. Laboratory Duplicates – Requirements for monthly laboratory duplicates for residual coagulant analysis shall be specified.

L. Personnel Training

- 1. Operators shall have training specific to using an ATS and liquid coagulants for storm water discharges in California.
- 2. The training shall be in the form of a formal class with a certificate and requirements for testing and certificate renewal.
- 3. Training shall include a minimum of eight hours classroom and 32 hours field training. The course shall cover the following topics:
 - a. Coagulation Basics –Chemistry and physical processes
 - b. ATS System Design and Operating Principles
 - c. ATS Control Systems
 - d. Coagulant Selection – Jar testing, dose determination, etc.
 - e. Aquatic Safety/Toxicity of Coagulants, proper handling and safety
 - f. Monitoring, Sampling, and Analysis
 - g. Reporting and Recordkeeping
 - h. Emergency Response

M. Active Treatment System (ATS) Monitoring Requirements

Any discharger who deploys an ATS on their site shall conduct the following:

- 1. Visual Monitoring
 - a. A designated responsible person shall be on site daily at all times during treatment operations.

- b. Daily on-site visual monitoring of the system for proper performance shall be conducted and recorded in the project data log.
 - i. The log shall include the name and phone number of the person responsible for system operation and monitoring.
 - ii. The log shall include documentation of the responsible person's training.

2. Operational and Compliance Monitoring

- a. Flow shall be continuously monitored and recorded at not greater than 15-minute intervals for total volume treated and discharged.
- b. Influent and effluent pH must be continuously monitored and recorded at not greater than 15-minute intervals.
- c. Influent and effluent turbidity (expressed in NTU) must be continuously monitored and recorded at not greater than 15-minute intervals.
- d. The type and amount of chemical used for pH adjustment, if any, shall be monitored and recorded.
- e. Dose rate of chemical used in the ATS system (expressed in mg/L) shall be monitored and reported 15-minutes after startup and every 8 hours of operation.
- f. Laboratory duplicates – monthly laboratory duplicates for residual coagulant analysis must be performed and records shall be maintained onsite.
- g. Effluent shall be monitored and recorded for residual chemical/additive levels.
- h. If a residual chemical/additive test does not exist and the ATS is operating in a batch treatment mode of operation refer to the toxicity monitoring requirements below.

3. Toxicity Monitoring

A discharger operating in batch treatment mode shall perform toxicity testing in accordance with the following:

- a. The discharger shall initiate acute toxicity testing on effluent samples representing effluent from each batch prior to discharge.⁹ All bioassays shall be sent to a laboratory certified by the Department of Health Services (DHS)

⁹ This requirement only requires that the test be initiated prior to discharge.

Environmental Laboratory Accreditation Program (ELAP). The required field of testing number for Whole Effluent Toxicity (WET) testing is E113.¹⁰

- b. Acute toxicity tests shall be conducted with the following species and protocols. The methods to be used in the acute toxicity testing shall be those outlined for a 96-hour acute test in “Methods for Measuring the Acute Toxicity of Effluents and Receiving Water to Freshwater and Marine Organisms, USEPA-841-R-02-012” for Fathead minnow, *Pimephales promelas* or Rainbow trout *Oncorhynchus mykiss* may be used as a substitute for fathead minnow.
- c. All toxicity tests shall meet quality assurance criteria and test acceptability criteria in the most recent versions of the EPA test method for WET testing.¹¹

4. Reporting and Recordkeeping

At a minimum, every 30 days a LRP representing the discharger shall access the State Water Boards Storm Water Multi-Application and Report Tracking system (SMARTS) and electronically upload field data from the ATS. Records must be kept for three years after the project is completed .

5. Non-compliance Reporting

- a. Any indications of toxicity or other violations of water quality objectives shall be reported to the appropriate regulatory agency as required by this General Permit.
- b. Upon any measurements that exceed water quality standards, the system operator shall immediately notify his supervisor or other responsible parties, who shall notify the Regional Water Board.
- c. If any monitoring data exceeds any applicable NEL in this General Permit, the discharger shall electronically submit a NEL Violation Report to the State Water Board within 24 hours after the NEL exceedance has been identified.
 - i. ATS dischargers shall certify each NEL Violation Report in accordance with the Special Provisions for Construction Activity in this General Permit.
 - ii. ATS dischargers shall retain an electronic or paper copy of each NEL Violation Report for a minimum of three years after the date the annual report is filed.
 - iii. ATS dischargers shall include in the NEL Violation Report:

¹⁰ http://www.dhs.ca.gov/ps/ls/elap/pdf/FOT_Desc.pdf.

¹¹ <http://www.epa.gov/waterscience/methods/wet/>.

- (1) The analytical method(s), method reporting unit(s), and method detection limit(s) of each analytical parameter (analytical results that are less than the method detection limit shall be reported as “less than the method detection limit”);
 - (2) The date, place, time of sampling, visual observation (inspections), and/or measurements, including precipitation; and
 - (3) A description of the current onsite BMPs, and the proposed corrective actions taken to manage the NEL exceedance.
- iv. Compliance Storm Exemption - In the event that an applicable NEL has been exceeded during a storm event equal to or larger than the Compliance Storm Event, ATS dischargers shall report the on-site rain gauge reading and nearby governmental rain gauge readings for verification.

	A	B	C
1	Sediment Risk Factor Worksheet		Entry
2	A) R Factor		
3	Analyses of data indicated that when factors other than rainfall are held constant, soil loss is directly proportional to a rainfall factor composed of total storm kinetic energy (E) times the maximum 30-min intensity (I30) (Wischmeier and Smith, 1958). The numerical value of R is the average annual sum of EI30 for storm events during a rainfall record of at least 22 years. "Isoerodent" maps were developed based on R values calculated for more than 1000 locations in the Western U.S. Refer to the link below to determine the R factor for the project site.		
4	http://cfpub.epa.gov/npdes/stormwater/LEW/lewCalculator.cfm		
5		R Factor Value	0
6	B) K Factor (weighted average, by area, for all site soils)		
7	The soil-erodibility factor K represents: (1) susceptibility of soil or surface material to erosion, (2) transportability of the sediment, and (3) the amount and rate of runoff given a particular rainfall input, as measured under a standard condition. Fine-textured soils that are high in clay have low K values (about 0.05 to 0.15) because the particles are resistant to detachment. Coarse-textured soils, such as sandy soils, also have low K values (about 0.05 to 0.2) because of high infiltration resulting in low runoff even though these particles are easily detached. Medium-textured soils, such as a silt loam, have moderate K values (about 0.25 to 0.45) because they are moderately susceptible to particle detachment and they produce runoff at moderate rates. Soils having a high silt content are especially susceptible to erosion and have high K values, which can exceed 0.45 and can be as large as 0.65. Silt-size particles are easily detached and tend to crust, producing high rates and large volumes of runoff. Use Site-specific data must be submitted.		
8	Site-specific K factor guidance		
9		K Factor Value	0
10	C) LS Factor (weighted average, by area, for all slopes)		
11	The effect of topography on erosion is accounted for by the LS factor, which combines the effects of a hillslope-length factor, L, and a hillslope-gradient factor, S. Generally speaking, as hillslope length and/or hillslope gradient increase, soil loss increases. As hillslope length increases, total soil loss and soil loss per unit area increase due to the progressive accumulation of runoff in the downslope direction. As the hillslope gradient increases, the velocity and erosivity of runoff increases. Use the LS table located in separate tab of this spreadsheet to determine LS factors. Estimate the weighted LS for the site prior to construction.		
12	LS Table		
13		LS Factor Value	0
14			
15	Watershed Erosion Estimate (=R_xK_xLS) in tons/acre		0
16	Site Sediment Risk Factor		Low
17	Low Sediment Risk: < 15 tons/acre		
18	Medium Sediment Risk: >=15 and <75 tons/acre		
19	High Sediment Risk: >= 75 tons/acre		
20			
21			
22			
23	GIS Map Method:		
24	1. The R factor for the project is calculated using the online calculator at:		
25	http://cfpub.epa.gov/npdes/stormwater/LEW/lewCalculator.cfm		
26			
27	2. The K and LS factors may be obtained by accessing the GIS maps located on the State Water Board FTP website at:		
28	ftp://swrcb2a.waterboards.ca.gov/pub/swrcb/dwq/cgp/Risk/		
29			

Receiving Water (RW) Risk Factor Worksheet	Entry	Score
A. Watershed Characteristics	yes/no	
A.1. Does the disturbed area discharge (either directly or indirectly) to a 303(d)-listed waterbody impaired by sediment (For help with impaired waterbodies please visit the link below) or has a USEPA approved TMDL implementation plan for sediment ? http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml	no	Low
OR		
A.2. Does the disturbed area discharge to a waterbody with designated beneficial uses of SPAWN & COLD & MIGRATORY? (For help please review the appropriate Regional Board Basin Plan) http://www.waterboards.ca.gov/waterboards_map.shtml		
Region 1 Basin Plan Region 2 Basin Plan Region 3 Basin Plan Region 4 Basin Plan Region 5 Basin Plan Region 6 Basin Plan Region 7 Basin Plan Region 8 Basin Plan Region 9 Basin Plan		

Combined Risk Level Matrix

		<u>Sediment Risk</u>		
		Low	Medium	High
<u>Receiving Water Risk</u>	Low	Level 1	Level 2	
	High	Level 2		Level 3

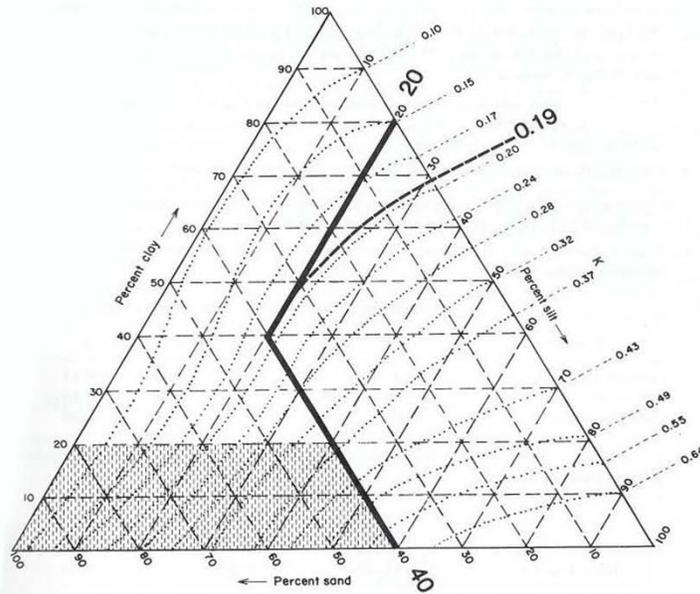
Project Sediment Risk: **Low**

Project RW Risk: **Low**

Project Combined Risk: **Level 1**

Soil Erodibility Factor (K)

The K factor can be determined by using the nomograph method, which requires that a particle size analysis (ASTM D-422) be done to determine the percentages of sand, very fine sand, silt and clay. Use the figure below to determine appropriate K value.



Erickson triangular nomograph used to estimate soil erodibility (K) factor.

The figure above is the USDA nomograph used to determine the K factor for a soil, based on its texture (% silt plus very fine sand, % sand, % organic matter, soil structure, and permeability). *Nomograph from Erickson 1977 as referenced in Goldman et. al., 1986.*

Sheet Flow Length (ft)	Average Watershed Slope (%)																		
	0.2	0.5	1.0	2.0	3.0	4.0	5.0	6.0	8.0	10.0	12.0	14.0	16.0	20.0	25.0	30.0	40.0	50.0	60.0
<3	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.35	0.36	0.38	0.39	0.41	0.45	0.48	0.53	0.58	0.63
6	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.37	0.41	0.45	0.49	0.56	0.64	0.72	0.85	0.97	1.07
9	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.38	0.45	0.51	0.56	0.67	0.80	0.91	1.13	1.31	1.47
12	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.39	0.47	0.55	0.62	0.76	0.93	1.08	1.37	1.62	1.84
15	0.05	0.07	0.09	0.13	0.17	0.20	0.23	0.26	0.32	0.40	0.49	0.58	0.67	0.84	1.04	1.24	1.59	1.91	2.19
25	0.05	0.07	0.10	0.16	0.21	0.26	0.31	0.36	0.45	0.57	0.71	0.85	0.98	1.24	1.56	1.86	2.41	2.91	3.36
50	0.05	0.08	0.13	0.21	0.30	0.38	0.46	0.54	0.70	0.91	1.15	1.40	1.64	2.10	2.67	3.22	4.24	5.16	5.97
75	0.05	0.08	0.14	0.25	0.36	0.47	0.58	0.69	0.91	1.20	1.54	1.87	2.21	2.86	3.67	4.44	5.89	7.20	8.37
100	0.05	0.09	0.15	0.28	0.41	0.55	0.68	0.82	1.10	1.46	1.88	2.31	2.73	3.57	4.59	5.58	7.44	9.13	10.63
150	0.05	0.09	0.17	0.33	0.50	0.68	0.86	1.05	1.43	1.92	2.51	3.09	3.68	4.85	6.30	7.70	10.35	12.75	14.89
200	0.06	0.10	0.18	0.37	0.57	0.79	1.02	1.25	1.72	2.34	3.07	3.81	4.56	6.04	7.88	9.67	13.07	16.16	18.92
250	0.06	0.10	0.19	0.40	0.64	0.89	1.16	1.43	1.99	2.72	3.60	4.48	5.37	7.16	9.38	11.55	15.67	19.42	22.78
300	0.06	0.10	0.20	0.43	0.69	0.98	1.28	1.60	2.24	3.09	4.09	5.11	6.15	8.23	10.81	13.35	18.17	22.57	26.51
400	0.06	0.11	0.22	0.48	0.80	1.14	1.51	1.90	2.70	3.75	5.01	6.30	7.60	10.24	13.53	16.77	22.95	28.60	33.67
600	0.06	0.12	0.24	0.56	0.96	1.42	1.91	2.43	3.52	4.95	6.67	8.45	10.26	13.94	18.57	23.14	31.89	39.95	47.18
800	0.06	0.12	0.26	0.63	1.10	1.65	2.25	2.89	4.24	6.03	8.17	10.40	12.69	17.35	23.24	29.07	40.29	50.63	59.93
1000	0.06	0.13	0.27	0.69	1.23	1.86	2.55	3.30	4.91	7.02	9.57	12.23	14.96	20.57	27.66	34.71	48.29	60.84	72.15

LS Factors for Construction Sites. *Table from Renard et. al., 1997.*

APPENDIX 2: Post-Construction Water Balance Performance Standard Spreadsheet

The discharger shall submit with their Notice of Intent (NOI) the following information to demonstrate compliance with the New and Re-Development Water Balance Performance Standard.

Map Instructions

The discharger must submit a small-scale topographic map of the site to show the existing contour elevations, pre- and post-construction drainage divides, and the total length of stream in each watershed area. Recommended scales include 1 in. = 20 ft., 1 in. = 30 ft., 1 in. = 40 ft., or 1 in. = 50 ft. The suggested contour interval is usually 1 to 5 feet, depending upon the slope of the terrain. The contour interval may be increased on steep slopes. Other contour intervals and scales may be appropriate given the magnitude of land disturbance.

Spreadsheet Instructions

The intent of the spreadsheet is to help dischargers calculate the project-related increase in runoff volume and select impervious area and runoff reduction credits to reduce the project-related increase in runoff volume to pre-project levels.

The discharger has the option of using the spreadsheet (**Appendix 2.1**) or a more sophisticated, watershed process-based model (e.g. Storm Water Management Model, Hydrological Simulation Program Fortran) to determine the project-related increase in runoff volume.

In Appendix 4.1, you must complete the worksheet for each land use/soil type combination for each project sub-watershed.

Steps 1 through 9 pertain specifically to the Runoff Volume Calculator:

Step 1: Enter the county where the project is located in cell H3.

Step 2: Enter the soil type in cell H6.

Step 3: Enter the existing pervious (dominant) land use type in cell H7.

Step 4: Enter the proposed pervious (dominant) land use type in cell H8.

Step 5: Enter the total project site area in cell H11 or J11.

Step 6: Enter the sub-watershed area in cell H12 or J12.

- Step 7: Enter the existing rooftop area in cell H17 or J17, the existing non-rooftop impervious area in cell H18 or J18, the proposed rooftop area in cell H19 or J19, and the proposed non-rooftop impervious area in cell H20 or J20
- Step 8: Work through each of the impervious area reduction credits and claim credits where applicable. Volume that cannot be addressed using non-structural practices must be captured in structural practices and approved by the Regional Water Board.
- Step 9: Work through each of the impervious volume reduction credits and claim credits where applicable. Volume that cannot be addressed using non-structural practices must be captured in structural practices and approved by the Regional Water Board.

Non-structural Practices Available for Crediting

- ***Porous Pavement***
- ***Tree Planting***
- ***Downspout Disconnection***
- ***Impervious Area Disconnection***
- ***Green Roof***
- ***Stream Buffer***
- ***Vegetated Swales***
- ***Rain Barrels and Cisterns***
- ***Landscaping Soil Quality***

Post-Construction Water Balance Calculator

1	Post-Construction Water Balance Calculator											
2												
3	User may make changes from any cell that is orange or brown in color (similar to the cells to the immediate right). Cells in green are calculated for you.		(Step 1a) If you know the 85th percentile storm event for your location enter it in the box below		(Step 1b) If you can not answer 1a then select the county where the project is located (click on the cell to the right for drop-down): This will determine the average 85th percentile 24 hr. storm event for your site, which will appear under precipitation to left.		SACRAMENTO					
4			(Step 1c) If you would like a more precise value select the location closest to your site. If you do not recognize any of these locations, leave this drop-down menu at location. The average value for the County will be used.		SACRAMENTO FAA ARPT							
5			Project Information				Runoff Calculations					
6			Project Name:		Optional		(Step 2) Indicate the Soil Type (dropdown menu to right):		Group C Soils		Low infiltration. Sandy clay loam. Infiltration rate 0.05 to 0.15 inch/hr when wet.	
7	Waste Discharge Identification (WVID):		Optional		(Step 3) Indicate the existing dominant non-built land Use Type (dropdown menu to right):		Wood & Grass: <50% ground cover					
8	Date:		Optional		(Step 4) Indicate the proposed dominant non-built land Use Type (dropdown menu to right):		Lawn, Grass, or Pasture covering more than 75% of the open space					
9	Sub Drainage Area Name (from map):		Optional				Complete Either					
10	Runoff Curve Numbers						Sq Ft		Acres			
11	Existing Pervious Runoff Curve Number		82		(Step 5) Total Project Site Area:		5.00		5.00			
12	Proposed Development Pervious Runoff Curve Number		74		(Step 6) Sub-watershed Area:		5.00		5.00			
13	Design Storm				Percent of total project :		100%					
14	Based on the County you indicated above, we have included the 85 percentile average 24 hr event - P85 (in)^ for your area.		0.62		in							
15	The Amount of rainfall needed for runoff to occur (Existing runoff curve number -P from existing RCN (in)^)		0.44		in		(Step 7) Sub-watershed Conditions		Complete Either			
16	P used for calculations (in) (the greater of the above two criteria)		0.62		in		Sub-watershed Area (acres)		Calculated Acres			
17	^Available at www.cabmphandbooks.com						Sq Ft		Acres			
18							Existing Rooftop Impervious Coverage		0			
19							Existing Non-Rooftop Impervious Coverage		0			
20							Proposed Rooftop Impervious Coverage		0			
21							Proposed Non-Rooftop Impervious Coverage		0			
22							Credits		Acres			
23							Porous Pavement		Square Feet			
24							Tree Planting		0			
25	Pre-Project Runoff Volume (cu ft)		247		Cu.Ft.		Downspout Disconnection		0			
26	Project-Related Runoff Volume Increase w/o credits (cu ft)		0		Cu.Ft.		Impervious Area Disconnection		0			
27							Green Roof		0			
28							Stream Buffer		0			
29							Vegetated Swales		0			
30	Project-Related Volume Increase with Credits (cu ft)		0		Cu.Ft.		Subtotal		0			
31							Subtotal Runoff Volume Reduction Credit		0 Cu. Ft.			
32	You have achieved your minimum requirements						(Step 9) Impervious Volume Reduction Credits		Volume (cubic feet)			
33							Rain Barrels/Cisterns		0 Cu. Ft.			
34							Soil Quality		0 Cu. Ft.			
35							Subtotal Runoff Volume Reduction		0 Cu. Ft.			
36							Total Runoff Volume Reduction Credit		0 Cu. Ft.			
37												
38												
39												

Porous Pavement Credit Worksheet

Please fill out a porous pavement credit worksheet for each project sub-watershed.

For the PROPOSED Development:

Proposed Porous Pavement	Runoff Reduction*	Fill in either Acres or SqFt		Equivalent Acres
		In SqFt.	In Acres	
Area of Brick without Grout on <u>less than 12 inches</u> of base with at least 20% void space over soil	0.45			0.00
Area of Brick without Grout on <u>more than 12 inches</u> of base with at least 20% void space over soil	0.90			0.00
Area of Cobbles <u>less than 12 inches</u> deep and over soil	0.30			0.00
Area of Cobbles <u>less than 12 inches</u> deep and over soil	0.60			0.00
Area of Reinforced Grass Pavement on <u>less than 12 inches</u> of base with at least 20% void space over soil	0.45			0.00
Area of Reinforced Grass Pavement on <u>at least 12 inches</u> of base with at least 20% void space over soil	0.90			0.00
Area of Porous Gravel Pavement on <u>less than 12 inches</u> of base with at least 20% void space over soil	0.38			0.00
Area of Porous Gravel Pavement on <u>at least 12 inches</u> of base with at least 20% void space over soil	0.75			0.00
Area of Poured Porous Concrete or Asphalt Pavement with <u>less than 4 inches</u> of gravel base (washed stone)	0.40			0.00
Area of Poured Porous Concrete or Asphalt Pavement with <u>4 to 8 inches</u> of gravel base (washed stone)	0.60			0.00
Area of Poured Porous Concrete or Asphalt Pavement with <u>8 to 12 inches</u> of gravel base (washed stone)	0.80			0.00
Area of Poured Porous Concrete or Asphalt Pavement with <u>12 or more</u> inches of gravel base (washed stone)	1.00			0.00

*=1-Rv**

[Return to Calculator](#)

**Using Site Design Techniques to meet Development Standards for Stormwater Quality (BASMAA 2003)
 **NCDENR Stormwater BMP Manual (2007)

Tree Planting Credit Worksheet

Please fill out a tree canopy credit worksheet for each project sub-watershed.

Tree Canopy Credit Criteria	Number of Trees Planted	Credit (acres)
Number of proposed evergreen trees to be planted (credit = number of trees x 0.005)*	0	0.00
Number of proposed deciduous trees to be planted (credit = number of trees x 0.0025)*		0.00
	Square feet Under Canopy	
Square feet under an existing tree canopy, that will remain on the property, with an average diameter at 4.5 ft above grade (i.e., diameter at breast height or DBH) is LESS than 12 in diameter.		0.00
Square feet under an existing tree canopy that will remain on the property, with an average diameter at 4.5 ft above grade (i.e., diameter at breast height or DBH) is 12 in diameter or GREATER.		0.00
Please describe below how the project will ensure that these trees will be maintained.		

0

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* credit amount based on credits from Stormwater Quality Design Manual for the Sacramento and South Placer Regions

Downspout Disconnection Credit Worksheet

Please fill out a downspout disconnection credit worksheet for each project subwatershed. If you answer yes to all questions, all rooftop area draining to each downspout will be subtracted from your proposed rooftop impervious coverage.

Downspout Disconnection Credit Criteria					
Do downspouts and any extensions extend at least six feet from a basement and two feet from a crawl space or concrete slab?				<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is the area of rooftop connecting to each disconnected downspout 600 square feet or less?				<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is the roof runoff from the design storm event fully contained in a raised bed or planter box or does it drain as sheet flow to a landscaped area large enough to contain the roof runoff from the design storm event?				<input type="radio"/> Yes	<input checked="" type="radio"/> No
The Stream Buffer and/or Vegetated Swale credits will not be taken in this sub-watershed area?				<input type="radio"/> Yes	<input checked="" type="radio"/> No
Percentage of existing	0.00	Acres	of rooftop surface has disconnected downspouts		
Percentage of the proposed	0.00	Acres	of rooftop surface has disconnected downspouts		
				50	
				Return to Calculator	

Impervious Area Disconnection Credit Worksheet

Please fill out an impervious area disconnection credit worksheet for each project sub-watershed. If you answer yes to all questions, all non-rooftop impervious surface area will be subtracted from your proposed non-rooftop impervious coverage.

Non-Rooftop Disconnection Credit Criteria	Response
Is the maximum contributing impervious flow path length less than 75 feet or, if equal or greater than 75 feet, is a storage device (e.g. French drain, bioretention area, gravel trench) implemented to achieve the required disconnection length?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Is the impervious area to any one discharge location less than 5,000 square feet?	<input checked="" type="radio"/> Yes <input type="radio"/> No
The Stream Buffer credit will not be taken in this sub-watershed area?	<input checked="" type="radio"/> Yes <input type="radio"/> No

Percentage of existing	0.00	Acres non-rooftop surface area disconnected	
Percentage of the proposed	0.00	Acres non-rooftop surface area disconnected	70

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Green Roof Credit Worksheet

Please fill out a greenroof credit worksheet for each project sub-watershed. If you answer yes to all questions, 70% of the greenroof area will be subtracted from your proposed rooftop impervious coverage.

Green Roof Credit Criteria		Response
Is the roof slope less than 15% or does it have a grid to hold the substrate in place until it forms a thick vegetation mat?		<input checked="" type="radio"/> Yes <input type="radio"/> No
Has a professional engineer assessed the necessary load reserves and designed a roof structure to meet state and local codes?		<input checked="" type="radio"/> Yes <input type="radio"/> No
Is the irrigation needed for plant establishment and/or to sustain the green roof during extended dry periods, is the source from stored, recycled, reclaimed, or reused water?		<input checked="" type="radio"/> Yes <input type="radio"/> No
Percentage of existing	0.0 0 Acres rooftop surface area in greenroof	
Percentage of the proposed	0.0 0 Acres rooftop surface area in greenroof	
		Return to Calculator

Stream Buffer Credit Worksheet

Please fill out a stream buffer credit worksheet for each project sub-watershed. If you answer yes to all questions, you may subtract all impervious surface draining to each stream buffer that has not been addressed using the Downspout and/or Impervious Area Disconnection credits.

Stream Buffer Credit Criteria				Response
Does runoff enter the floodprone width* or within 500 feet (whichever is larger) of a stream channel as sheet flow**?				<input type="radio"/> Yes <input checked="" type="radio"/> No
Is the contributing overland slope 5% or less, or if greater than 5%, is a level spreader used?				<input type="radio"/> Yes <input checked="" type="radio"/> No
Is the buffer area protected from vehicle or other traffic barriers to reduce compaction?				<input type="radio"/> Yes <input checked="" type="radio"/> No
Will the stream buffer be maintained in an ungraded and uncompacted condition and will the vegetation be maintained in a natural condition?				<input type="radio"/> Yes <input checked="" type="radio"/> No
Percentage of existing	0.00	Acres	impervious surface area draining into a stream buffer:	
Percentage of the proposed	0.00	Acres	impervious surface area that will drain into a stream buffer:	
Please describe below how the project will ensure that the buffer areas will remain in ungraded and uncompacted condition and that the vegetation will be maintained in a natural condition.				

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* floodprone width is the width at twice the bankfull depth.

** the maximum contributing length shall be 75 feet for impervious area

Vegetated Swale Credit Worksheet

Please fill out a vegetated swale worksheet for each project subwatershed. If you answer yes to all questions, you may subtract all impervious surface draining to each stream buffer that has not been addressed using the Downspout Disconnection credit.

Vegetated Swale Credit Criteria

Have all vegetated swales been designed in accordance with Treatment Control BMP 30 (TC-30 - Vegetated Swale) from the California Stormwater BMP Handbook, New Development and Redevelopment (available at www.cabmphandbooks.com)?

<input type="radio"/> Yes	<input checked="" type="radio"/> No
---------------------------	-------------------------------------

Is the maximum flow velocity for runoff from the design storm event less than or equal to 1.0 foot per second?

<input type="radio"/> Yes	<input checked="" type="radio"/> No
---------------------------	-------------------------------------

Percentage of existing	0.00	Acres of impervious area draining to a vegetated swale	
Percentage of the proposed	0.00	Acres of impervious area draining to a vegetated swale	

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Rain Barrel/Cistern Credit Worksheet

Please fill out a rain barrel/cistern worksheet for each project sub-watershed.

Rain Barrel/Cistern Credit Criteria	Response
Total number of rain barrel(s)/cisterns	
Average capacity of rain barrel(s)/cistern(s) (in gallons)	
Total capacity rain barrel(s)/cistern(s) (in cu ft) ¹	0

¹ accounts for 10% loss

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Please fill out a soil quality worksheet for each project sub-watershed.

	Response
Will the landscaped area be lined with an impervious membrane?	
Will the soils used for landscaping meet the ideal bulk densities listed in Table 1 below? ¹	<input type="radio"/> Yes <input checked="" type="radio"/> No
If you answered yes to the question above, and you know the area-weighted bulk density within the top 12 inches for soils used for landscaping (in g/cm ³)*, fill in the cell to the right and skip to cell G11. If not select from the drop-down menu in G10.	1.3
If you answered yes to the question above, but you do not know the exact bulk density, which of the soil types in the drop down menu to the right best describes the top 12 inches for soils used for landscaping (in g/cm ³).	Sandy loams, loams
What is the average depth of your landscaped soil media meeting the above criteria (inches)?	12
What is the total area of the landscaped areas meeting the above criteria (in acres)?	2.97

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Table 1

Sands, loamy sands	<1.6
Sandy loams, loams	<1.4
Sandy clay loams, loams, clay loams	<1.4
Silts, silt loams	<1.3
Silt loams, silty clay loams	<1.1
Sandy clays, silty clays, some clay loams (35-45% clay)	<1.1
Clays (>45% clay)	<1.1

Porosity (%) 50.94%

Mineral grains in many soils are mainly quartz and feldspar, so 2.65 a good average for particle density. To determine percent porosity, use the formula: Porosity (%) = (1-Bulk Density/2.65) X 100

¹ USDA NRCS. "Soil Quality Urban Technical Note No.2-Urban Soil Compaction". March 2000.

http://soils.usda.gov/sqi/management/files/sq_utn_2.pdf

* To determine how to calculate density see:

<http://www.globe.gov/tctg/bulkden.pdf?sectionID=94>

APPENDIX 3 Bioassessment Monitoring Guidelines

Bioassessment monitoring is required for projects that meet all of the following criteria:

1. The project is rated Risk Level 3 or LUP Type 3
2. The project directly discharges runoff to a freshwater wadeable stream (or streams) that is either: (a) listed by the State Water Board or USEPA as impaired due to sediment, and/or (b) tributary to any downstream water body that is listed for sediment; and/or have the beneficial use SPAWN & COLD & MIGRATORY
3. Total project-related ground disturbance exceeds 30 acres.

For all such projects, the discharger shall conduct bioassessment monitoring, as described in this section, to assess the effect of the project on the biological integrity of receiving waters.

Bioassessment shall include:

1. The collection and reporting of specified instream biological data
2. The collection and reporting of specified instream physical habitat data

Bioassessment Exception

If a site qualifies for bioassessment, but construction commences out of an index period for the site location, the discharger shall:

1. Receive Regional Water Board approval for the sampling exception
2. Make a check payable to: Cal State Chico Foundation (SWAMP Bank Account) or San Jose State Foundation (SWAMP Bank Account) and include the WDID# on the check for the amount calculated for the exempted project.
3. Send a copy of the check to the Regional Water Board office for the site's region
4. Invest **7,500.00 X The number of samples required** into the SWAMP program as compensation (upon Regional Water Board approval).
5. Conduct bioassessment monitoring, as described in Appendix 4
6. Include the collection and reporting of specified instream biological data and physical habitat
7. Use the bioassessment sample collection and Quality Assurance & Quality Control (QA/QC) protocols developed by the State of California's Surface Water Ambient Monitoring Program (SWAMP)

Site Locations and Frequency

Macroinvertebrate samples shall be collected both before ground disturbance is initiated and after the project is completed. The "after" sample(s) shall be collected after at least one winter season resulting in surface runoff has transpired after project-related ground disturbance has ceased. "Before" and "after" samples shall be collected both upstream and downstream of the project's

discharge. Upstream samples should be taken immediately before the sites outfall and downstream samples should be taken immediately after the outfall (when safe to collect the samples). Samples should be collected for each freshwater wadeable stream that is listed as impaired due to sediment, or tributary to a water body that is listed for sediment. Habitat assessment data shall be collected concurrently with all required macroinvertebrate samples.

Index Period (Timing of Sample Collection)

Macroinvertebrate sampling shall be conducted during the time of year (i.e., the “index period”) most appropriate for bioassessment sampling, depending on ecoregion. This map is posted on the State Water Board’s Website: http://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml

Field Methods for Macroinvertebrate Collections

In collecting macroinvertebrate samples, the discharger shall use the “Reachwide Benthos (Multi-habitat) Procedure” specified in *Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California* (Ode 2007).¹

Physical - Habitat Assessment Methods

The discharger shall conduct, concurrently with all required macroinvertebrate collections, the “Full” suite of physical habitat characterization measurements as specified in *Standard Operating Procedures for Collecting Benthic Macroinvertebrate Samples and Associated Physical and Chemical Data for Ambient Bioassessments in California* (Ode 2007), and as summarized in the Surface Water Ambient Monitoring Program’s *Stream Habitat Characterization Form — Full Version*.

Laboratory Methods

Macroinvertebrates shall be identified and classified according to the Standard Taxonomic Effort (STE) Level I of the Southwestern Association of Freshwater Invertebrate Taxonomists (SAFIT),² and using a fixed-count of 600 organisms per sample.

Quality Assurance

The discharger or its consultant(s) shall have and follow a quality assurance (QA) plan that covers the required bioassessment monitoring. The QA plan shall include, or be supplemented to include, a specific requirement for external QA checks (i.e., verification of taxonomic identifications and correction of data where

¹ This document is available on the Internet at: http://www.swrcb.ca.gov/swamp/docs/phab_sopr6.pdf.
http://swamp.mpsl.mml.calstate.edu/wp-content/uploads/2009/04/swamp_sop_bioassessment_collection_020107.pdf.

² The current SAFIT STEs (28 November 2006) list requirements for both the Level I and Level II taxonomic effort, and are located at: http://www.swrcb.ca.gov/swamp/docs/safit/ste_list.pdf
http://www.safit.org/Docs/ste_list.pdf. When new editions are published by SAFIT, they will supersede all previous editions. All editions will be posted at the State Water Board’s SWAMP website.

errors are identified). External QA checks shall be performed on one of the discharger's macroinvertebrate samples collected per calendar year, or ten percent of the samples per year (whichever is greater). QA samples shall be randomly selected. The external QA checks shall be paid for by the discharger, and performed by the California Department of Fish and Game's Aquatic Bioassessment Laboratory. An alternate laboratory with equivalent or better expertise and performance may be used if approved in writing by State Water Board staff.

Sample Preservation and Archiving

The original sample material shall be stored in 70 percent ethanol and retained by the discharger until: 1) all QA analyses specified herein and in the relevant QA plan are completed; and 2) any data corrections and/or re-analyses recommended by the external QA laboratory have been implemented. The remaining subsampled material shall be stored in 70 percent ethanol and retained until completeness checks have been performed according to the relevant QA plan. The identified organisms shall be stored in 70 percent ethanol, in separate glass vials for each final ID taxon. (For example, a sample with 45 identified taxa would be archived in a minimum of 45 vials, each containing all individuals of the identified taxon.) Each of the vials containing identified organisms shall be labeled with taxonomic information (i.e., taxon name, organism count) and collection information (i.e., site name/site code, waterbody name, date collected, method of collection). The identified organisms shall be archived (i.e., retained) by the discharger for a period of not less than three years from the date that all QA steps are completed, and shall be checked at least once per year and "topped off" with ethanol to prevent desiccation. The identified organisms shall be relinquished to the State Water Board upon request by any State Water Board staff.

Data Submittal

The macroinvertebrate results (i.e., taxonomic identifications consistent with the specified SAFIT STEs, and number of organisms within each taxa) shall be submitted to the State Water Board in electronic format. The State Water Board's Surface Water Ambient Monitoring Program (SWAMP) is currently developing standardized formats for reporting bioassessment data. All bioassessment data collected after those formats become available shall be submitted using the SWAMP formats. Until those formats are available, the biological data shall be submitted in MS-Excel (or equivalent) format.³

The physical/habitat data shall be reported using the standard format titled *SWAMP Stream Habitat Characterization Form — Full Version*.⁴

³ Any version of Excel, 2000 or later, may be used.

⁴ Available at:

http://www.waterboards.ca.gov/water_issues/programs/swamp/docs/reports/fieldforms_fullversion052908.pdf

Invasive Species Prevention

In conducting the required bioassessment monitoring, the discharger and its consultants shall take precautions to prevent the introduction or spread of aquatic invasive species. At minimum, the discharger and its consultants shall follow the recommendations of the California Department of Fish and Game to minimize the introduction or spread of the New Zealand mudsnail.⁵

⁵ Instructions for controlling the spread of NZ mudsnails, including decontamination methods, can be found at: <http://www.dfg.ca.gov/invasives/mudsnail/>
More information on AIS More information on AIS
http://www.waterboards.ca.gov/water_issues/programs/swamp/ais/

Appendix 4 Non Sediment TMDLs

Region 1 Lost River-DIN and CBOD

Region 1 Source: Cal Trans Construction TMDL Completion Date: 12 30 2008 TMDL Type: River, Lake Watershed Area= 2996 mi ²	Pollutant Stressors/WLA	
	Dissolved inorganic nitrogen (DIN) (metric tons/yr)	Carbonaceous biochemical oxygen demand (CBOD) (metric tons/yr)
Lost River from the Oregon border to Tule Lake	.1	.2
Tule Lake Refuge	.1	.2
Lower Klamath Refuge	.1	.2

Region 2 San Francisco Bay-Mercury

Region 2 Source: Non-Urban Stormwater Runoff TMDL Type: Bay	Name	Pollutant Stressor/WLA	TMDL Completion Date
	San Francisco Bay	Mercury 25 kg/year	08 09 2006

Region 4 Ballona Creek-Metals and Selenium

Region 4 Source: NPDES General Construction TMDL Completion Date: 12 22 2005 TMDL Type: Creek	Pollutant Stressors/WLA							
	Copper (Cu)		Lead (Pb)		Selenium (Se)		Zinc (Zn)	
	g/day	g/day/acre	g/day	g/day/acre	g/day	g/day/acre	g/day	g/day/acre
Ballona Creek	4.94E-07 x Daily storm volume (L)	2.20E-10 x Daily storm volume (L)	1.62E-06 x Daily storm volume (L)	7.20E-10 x Daily storm volume (L)	1.37E-07 x Daily storm volume (L)	6.10E-11 x Daily storm volume (L)	3.27E-06 x Daily storm volume (L)	1.45E-09 x Daily storm volume (L)

General Construction Storm Water Permits:

Waste load allocations will be incorporated into the State Board general permit upon renewal or into a watershed-specific general permit developed by the Regional Board.

- Dry-weather Implementation Non-storm water flows authorized by the General Permit for Storm Water Discharges Associated with Construction Activity (Water Quality Order No. 99-08 DWQ), or any successor order, are exempt from the dry-weather waste load allocation equal to zero as long as they comply with the provisions of sections C.3 and A.9 of the Order No. 99-08 DWQ, which state that these authorized non-storm discharges shall be:
 - (1) infeasible to eliminate
 - (2) comply with BMPs as described in the Storm Water Pollution Prevention Plan prepared by the permittee, and
 - (3) not cause or contribute to a violation of water quality standards, or comparable provisions in any successor order.
 Unauthorized non-storm water flows are already prohibited by Order No. 99-08 DWQ.
- Wet-weather Implementation Within seven years of the effective date of the TMDL, the construction industry will submit the results of BMP effectiveness studies to determine BMPs that will achieve compliance with the final waste load allocations assigned to construction storm water permittees.
- Regional Board staff will bring the recommended BMPs before the Regional Board for consideration within eight years of the effective date of the TMDL.
- General construction storm water permittees will be considered in compliance with final waste load allocations if they implement these Regional Board approved BMPs. All permittees must implement the approved BMPs within nine years of the effective date of the TMDL. If no effectiveness studies are conducted and no BMPs are approved by the Regional Board within eight years of the effective date of the TMDL, each general construction storm water permit holder will be subject to site-specific BMPs and monitoring requirements to demonstrate compliance with final waste load allocations.

Region 4 Calleaguas Creek-OC Pesticides, PCBs, and Siltation

Interim Requirements

Region 4 Calleaguas Creek	Pollutant Stressor	WLA Daily Max (µg/L)	WLA Monthly Ave (µg/L)
Source: Minor NPDES point sources/WDRs	Chlordane	1.2	0.59
TMDL Completion Date: 3 14 2006	4,4-DDD	1.7	0.84
TMDL Type:Creek	4,4-DDE	1.2	0.59
	4,4-DDT	1.2	0.59
	Dieldrin	0.28	0.14
	PCB's	0.34	0.17
	Toxaphene	0.33	0.16

Final WLA (ng/g)							
Region 4 Calleguas Creek Source: Stormwater Permittees TMDL Completion Date: 3 14 2006 TMDL Type:Creek	Chlordane	4,4-DDD	4,4-DDE	4,4-DDT	Dieldrin	PCB's	Toxaphene
Mugu Lagoon*	3.3	2.0	2.2	0.3	4.3	180.0	360.0
Callegaus Creek	3.3	2.0	1.4	0.3	0.2	120.0	0.6
Revolon Slough (SW)*	0.9	2.0	1.4	0.3	0.1	130.0	1.0
Arroyo Las posas(SW)*	3.3	2.0	1.4	0.3	0.2	120.0	0.6
Arroyo Simi	3.3	2.0	1.4	0.3	0.2	120.0	0.6
Conejo Creek	3.3	2.0	1.4	0.3	0.2	120.0	0.6
Interim Requirements (ng/g)							
Mugu Lagoon*	25.0	69.0	300.0	39.0	19.0	180.	22900.0
Callegaus Creek	17.0	66.0	470.0	110.0	3.0	3800.0	260.0
Revolon Slough (SW)*	48.0	400.0	1600.0	690.0	5.7	7600.0	790.0
Arroyo Las posas(SW)*	3.3	290.0	950.0	670.0	1.1	25700.0	230.0
Arroyo Simi	3.3	14.0	170.0	25.0	1.1	25700.0	230.0
Conejo Creek	3.4	5.3	20.0	2.0	3.0	3800.0	260.0

*(SW)=Subwatershed

*Mugu Lagoon includes Duck pond/Agricultural Drain/Mugu/Oxnard Drain #2

Compliance with sediment based WLAs is measured as an instream annual average at the base of each subwatershed where the discharges are located.

Region 4 Calleguas Creek-Salts

Final Dry Weather Pollutant WLA (mg/L)					
Region 4 Calleguas Creek Source Permitted Stormwater Dischargers TMDL Completion Date: 12 2 2008 TMDL Type:Creek	Critical Condition Flow Rate (mgd)	Chloride (lb/day)	TDS (lb/day)	Sulfate (lb/day)	Boron (lb/day)
Simi	1.39	1738.0	9849.0	2897.0	12.0
Las Posas	0.13	157.0	887.0	261.0	N/A
Conejo	1.26	1576.0	8931.0	2627.0	N/A

Camarillo	0.06	72.0	406.0	119.0	N/A
Pleasant Valley (Calleguas)	0.12	150.0	850.0	250.0	N/A
Pleasant Valley (Revolon)	0.25	314.0	1778.0	523.0	2.0
Dry Weather Interim Pollutant WLA (mg/L)					
	Chloride (mg/L)	TDS (mg/L)	Sulfate (mg/L)	Boron (mg/L)	
Simi	230.0	1720.0	1289.0	1.3	
Las Posas	230.0	1720.0	1289.0	1.3	
Conejo	230.0	1720.0	1289.0	1.3	
Camarillo	230.0	1720.0	1289.0	1.3	
Pleasant Valley (Calleguas)	230.0	1720.0	1289.0	1.3	
Pleasant Valley (Revolon)	230.0	1720.0	1289.0	1.3	

- General Construction permittees are assigned a dry weather wasteload allocation equal to the average dry weather critical condition flow rate multiplied by the numeric target for each constituent. Waste load allocations apply in the receiving water at the base of each subwatershed. Dry weather allocations apply when instream flow rates are below the 86th percentile flow and there has been no measurable precipitation in the previous 24 hours.
- Because wet weather flows transport a large mass of salts at low concentrations, these dischargers meet water quality objectives during wet weather.
- Interim limits are assigned for dry weather discharges from areas covered by NPDES stormwater permits to allow time to implement appropriate actions. The interim limits are assigned as concentration based receiving water limits set to the 95th percentile of the discharger data as a monthly average limit except for chloride. The 95th percentile for chloride was 267 mg/L which is higher than the recommended criteria set forth in the Basin Plan for protection of sensitive beneficial uses including aquatic life. Therefore, the interim limit for chloride for Permitted Stormwater Dischargers is set equal to 230 mg/L to ensure protection of sensitive beneficial uses in the Calleguas Creek watershed.

Region 4 San Gabriel River and Tributaries-Metals and Selenium

Region 4 San Gabriel River and Tributaries Source: Construction Stormwater Dischargers TMDL Completion Date: 3 2007 TMDL Type: Creek	Pollutant Stressor	Wet weather Allocations	Dry Weather Allocations	% of Watershed
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San Gabriel Reach 2	Lead (Pb)	0.7% * 166 µg/l * Daily Storm Vol	N/A	0.7%
San Gabriel Reach 2	Lead (Pb) Mass based	0.8 kg/d	N/A	0.7%
Coyote Creek	Copper (Cu)	0.285 kg/d	0	5.0%
Coyote Creek	Lead (Pb)	1.70 kg/d	N/A	5.0%
Coyote Creek	Zinc (Zn)	2.4 kg/d	N/A	5.0%
San Jose Creek Reach 1 and 2	Selenium	5 µg/L	5 µg/L	5.0%

Wet-weather allocations for lead in San Gabriel River Reach 2. Concentration-based allocations apply to non-stormwater NPDES discharges. Stormwater allocations are expressed as a percent of load duration curve. Mass-based values presented in table are based on a flow of 260 cfs (daily storm volume = 6.4×10^8 liters).

There are 1555 acres of water in the entire watershed, 37.4 acres of water in the Reach 1 subwatershed (2.4%), and 269 acres in the Coyote Creek subwatershed (17%).

General Construction Storm Water Permits

Waste load allocations for the general construction storm water permits may be incorporated into the State Board general permit upon renewal or into a watershed-specific general permit developed by the Regional Board. An estimate of direct atmospheric deposition is developed based on the percent area of surface water in the watershed. Approximately 0.4% of the watershed area draining to San Gabriel River Reach 2 is comprised of water and approximately 0.2% of the watershed area draining to Coyote Creek is comprised of water.

Region 4 The Harbor Beaches of Ventura County-Bacteria

The TMDL has a multi-part numeric target based on the bacteriological water quality objectives for marine water to protect the water contact recreation use. These targets are the most appropriate indicators of public health risk in recreational waters. Bacteriological objectives are set forth in Chapter 3 of the Basin Plan. The objectives are based on four bacteria indicators and include both geometric mean limits and single sample limits. The Basin Plan objectives that serve as the numeric targets for this TMDL are:

The General NPDES Construction permit is seen as a minor contributor and is given no allocation

General NPDES permits, individual NPDES permits, the Statewide Industrial Storm Water General Permit, the Statewide Construction Activity Storm Water General Permit, and WDR permittees in the Channel Islands Harbor subwatershed are assigned WLAs of zero (0) days of allowable exceedances for all three time periods and for the single sample limits and the rolling 30-day geometric mean. Any future enrollees under a general NPDES permit, individual NPDES permit, the Statewide Industrial Storm Water General Permit, the Statewide Construction Activity Storm Water General Permit, and WDR will also be subject to a WLA of zero (0) days of allowable exceedances.

Region 4 Resolution No. 03-009 Los Angeles River and Tributaries-Nutrients

Minor Point Sources

Waste loads are allocated to minor point sources enrolled under NPDES or WDR permits including but not limited to Tapia WRP, Whittier Narrows WRP, Los Angeles Zoo WRP, industrial and construction stormwater, and municipal storm water and urban runoff from municipal separate storm sewer systems (MS4s)

Region 4 Minor Point Sources for NPDES/WDR Permits TMDL Completion Date: 7 10 2003 TMDL Type: River	Pollutant Stressor/WLA				
	Total Ammonia (NH₃)		Nitrate-nitrogen (NO₃-N)	Nitrite-nitrogen (NO₂-N)	NO₃-N + NO₃-N
	1 Hr Ave mg/l	30 Day Ave mg/l	30 Day Ave mg/l		30 Day Ave mg/l
LA River Above Los Angeles-Glendale WRP (LAG)	4.7	1.6	8.0	1.0	8.0
LA River Below LAG	8.7	2.4	8.0	1.0	8.0
Los Angeles Tributaries	10.1	2.3	8.0	1.0	8.0

Malibu Creek Attachment A to Resolution No. 2004-019R-Bacteria

12 13 2004 The WLAs for permittees under the NPDES General Stormwater Construction Permit are zero (0) days of allowable exceedances for all three time periods and for the single sample limits and the rolling 30-day geometric mean.

Region 4 Marina del Rey Harbor, Mothers' Beach and Back Basins

Attachment A to Resolution No. 2003-012-Bacteria

8 7 2003 As discussed in “Source Analysis”, discharges from general NPDES permits, general industrial storm water permits and general construction storm water permits are not expected to be a significant source of bacteria. Therefore, the WLAs for these discharges are zero (0) days of allowable exceedances for all three time periods and for the single sample limits and the rolling 30-day geometric mean. Any future enrollees under a general NPDES permit, general industrial storm water permit or general construction storm water permit within the MdR Watershed will also be subject to a WLA of zero days of allowable exceedances.

Region 4 San Gabriel River and Tributaries-Metals and Selenium

Dry Weather Selenium WLA

A zero WLA is assigned to the industrial and construction stormwater permits during dry weather. Non-storm water discharges are already prohibited or restricted by existing general permits.

Region 4 General Construction Permittees TMDL Completion Date: 7 13 2006 TMDL Type: River	Total Recoverable Metals (kg/day)		
	Copper (Cu) Kg/day	Lead (Pb) Kg/day	Zinc (Zn) Kg/day
San Gabriel River Reach 2 and upstream reaches/tributaries	XXXX	Daily storm volume x 1.24 µg/L	XXXX
Coyote Creek and Tributaries	Daily storm volume x 0.7 µg/L	Daily storm volume x 4.3 µg/L	Daily storm volume x 6.2 µg/L

Each enrollee under the general construction stormwater permit receives a WLA on a per acre basis

Region 4 General Construction Permittees TMDL Completion Date: 7 13 2006 TMDL Type: River	Total Recoverable Metals (kg/day/acre)		
	Copper (Cu) Kg/acre/day	Lead (Pb) Kg/acre/day	Zinc (Zn) Kg/acre/day
San Gabriel River Reach 2 and upstream reaches/tributaries	XXXX	Daily storm volume x 0.56 µg/L	XXXX

Coyote Creek and Tributaries	Daily storm volume x 0.12 µg/L	Daily storm volume x 0.70 µg/L	Daily storm volume x 1.01 µg/L
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For the general industrial and construction storm water permits, the daily storm volume is measured at USGS station 11085000 for discharges to Reach 2 and above and at LACDPW flow gauge station F354-R for discharges to Coyote Creek.

General construction storm water permits

WLAs will be incorporated into the State Board general permit upon renewal or into a watershed-specific general permit developed by the Regional Board.

Dry-weather implementation

Non-storm water flows authorized by the General Permit for Storm Water Discharges Associated with Construction Activity (NPDES Permit No. CAS000002), or any successor permit, are exempt from the dry-weather WLA equal to zero as long as they comply with the provisions of sections C.3. and A.9 of the Order No. 99-08 DWQ, which state that these authorized non-storm discharges shall be (1) infeasible to eliminate (2) comply with BMPs as described in the Storm Water Pollution Prevention Plan prepared by the permittee, and (3) not cause or contribute to a violation of water quality standards, or comparable provisions in any successor order. Unauthorized non-storm water flows are already prohibited by Permit No. CAS000002.

Upon permit issuance, renewal, or re-opener

Non-storm water flows not authorized by Order No. 99-08 DWQ, or any successor order, shall achieve dry-weather WLAs. WLAs shall be expressed as NPDES water quality-based effluent limitations specified in accordance with federal regulations and state policy on water quality control. Effluent limitations may be expressed as permit conditions, such as the installation, maintenance, and monitoring of Regional Board-approved BMPs.

Six years from the effective date of the TMDL

The construction industry will submit the results of wet-weather BMP effectiveness studies to the Los Angeles Regional Board for consideration. In the event that no effectiveness studies are conducted and no BMPs are approved, permittees shall be subject to site-specific BMPs and monitoring to demonstrate BMP effectiveness.

Seven years from the effective date of the TMDL

The Los Angeles Regional Board will consider results of the wet weather BMP effectiveness studies and consider approval of BMPs.

Eight years from the effective date of the TMDL

All general construction storm water permittees shall implement Regional Board-approved BMPs.

Region 8 RESOLUTION NO. R8-2007- 0024

Total Maximum Daily Loads (TMDLs) for San Diego Creek, Upper and Lower Newport Bay, Orange County, California

Region 8 NPDES Construction Permit TMDL Completion Date: 1 24 1995 TMDL Type: River, Cr, Bay	Organochlorine Compounds							
	Total DDT		Chlordane		Total PCBs		Toxaphene	
	g/day	g/yr	g/day	g/yr	g/day	g/yr	g/day	g/yr
San Diego Creek	.27	99.8	.18*	64.3*	.09*	31.5*	.004	1.5
Upper Newport Bay	.11	40.3	.06	23.4	.06	23.2	X	X
Lower Newport Bay	.04	14.9	.02	8.6	.17	60.7	X	X

*Red= Informational WLA only, not for enforcement purposes

Organochlorine Compounds TMDLs Implementation Tasks and Schedule

Regional Board staff shall develop a SWPPP Improvement Program that identifies the Regional Board’s expectations with respect to the content of SWPPPs, including documentation regarding the selection and implementation of BMPs, and a sampling and analysis plan. The Improvement Program shall include specific guidance regarding the development and implementation of monitoring plans, including the constituents to be monitored, sampling frequency and analytical protocols. The SWPPP Improvement Program shall be completed by *(the date of OAL approval of this BPA)*. **No later than two months** from completion of the Improvement Program, Board staff shall assure that the requirements of the Program are communicated to interested parties, including dischargers with existing authorizations under the General Construction Permit. Existing, authorized dischargers shall revise their project SWPPPs as needed to address the Program requirements as soon as possible but **no later than (three months of completion of the SWPPP Improvement Program)**. Applicable SWPPPs that do not adequately address the Program requirements shall be considered inadequate and enforcement by the Regional Board shall proceed accordingly. The Caltrans and Orange County MS4 permits shall be revised as needed to assure that the permittees communicate the Regional Board’s SWPPP expectations, based on the SWPPP Improvement Program, with the Standard Conditions of Approval.

Appendix 4 Sediment TMDLs

Implemented Sediment TMDLs in California. Construction was listed as a source in all fo these TMDLs in relation to road construction. Although construction was mentioned as a source, it was not given a specific allocation amount. The closest allocation amount would be for the road activity management WLA. **Implementation Phase** – Adoption process by the Regional Board, the State Water Resources Control Board, the Office of Administrative Law, and the US Environmental Protection Agency completed and TMDL being implemented.

A. Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi ² yr
1 R1.epa.albionfinalt mdl	R	Albion River	Sedimentation	Road Construction	2001	43 acres	See A (table 6)

B Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi ² yr
1 R1.epa.EelR- middle.mainSed.te mp	R	Middle Main Eel River and Tributaries (from Dos Rios to the South Fork)	Sedimentation	Road Construction	2005-2006	521 mi ²	100

C Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi ² yr
1 R1.epa.EelRsouth. sed.temp	R	South Fork Eel River	Sedimentation	Road Construction	12 1999	See chart	473

D Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi ² yr
1 R1.epa.bigfinaltmd l	R	Big River	Sedimentation	Road Construction	12 2001	181 mi ² watershed drainage	TMDL = loading capacity = nonpoint sources + background =

							393 t mi ² yr
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E Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi² yr
1 R1.epa.EelR-lower.Sed.temp-121807-signed	R	Lower Eel River	Sedimentation	Road Construction	12 2007	300 square-mile watershed	898

F Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi² yr
1 R1.epa.EelR-middle.Sed.temp-	R	Middle Fork Eel River	Sedimentation	Road Construction	12 2003	753 mi ² (approx. 482,000 acres)	82

G Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres Mi²	WLA tons mi² yr
1 R1.epa.EelRnorth-Sed.temp.final-121807-signed	R	North Fork Eel River	Sedimentation	Road Construction	12 30 2002	289 (180,020 acres)	20

H Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres Mi²	WLA tons mi² yr
1 R1.epa.EelR-upper.mainSed.temp-	R	Upper Main Eel River and Tributaries (including Tomki Creek, Outlet Creek and Lake Pillsbury)	Sedimentation	Road Construction	12 29 2004	688 (approx. 440,384 acres)	14

I Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres	WLA tons mi² yr
1 R1.epa.gualalafina ltmdl	R	Gualala River	Sedimentation	Road Construction	Not sure	300 (191,145 acres)	7

J Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA tons mi² yr
1 R1.epa.Mad- sed.turbidity	R	Mad River	Sedimentation	Road Construction	12 21 2007	480	174

K Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA tons mi² yr
1 R1.epa.mattole.se diment	R	Mattole River	Sedimentation	Road Construction	12 30 2003	296	27 or 520+27 = 547

L Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA tons mi² yr
1 R1.epa.navarro.se d.temp	R	Navarro River	Sedimentation	Road Construction	Not sure	315 (201,600 acres).	50

M Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA tons mi² yr
1 R1.epa.noyo.sedi ment	R	Noyo River	Sedimentation	Road Construction	12 16 1999	113 (72,323 acres)	68 (three areas measured) Table 16 in the TMDL

N Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA tons mi² yr
1 R1.epa.RedwoodCk.sed	Cr	Redwood Creek	Sedimentation	Road Construction	12 30 1998	278	1900 Total allocation

O Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA – Roads tons mi² yr
1 R1.epa.tenmile.sed	R	Ten Mile River	Sedimentation	Road Construction	2000	120	9

P Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi²	WLA management tons mi² yr
1 R1.epa.trinity.sed	R	Trinity River	Sedimentation	Road Construction	12 20 2001	2000 of 3000 covered in this TMDL	See rows below
1	Cr	Horse Linto Creek	Sedimentation	Road Construction	12 20 2001	64	528
1	Cr	Mill creek and Tish Tang	Sedimentation	Road Construction	12 20 2001	39	210
1	Cr	Willow Creek	Sedimentation	Road Construction	12 20 2001	43	94
1	Cr	Campbell Creek and Supply Creek	Sedimentation	Road Construction	12 20 2001	11	1961
1	Cr	Lower Mainstem and Coon Creek	Sedimentation	Road Construction	12 20 2001	32	63
1	R	Reference	Sedimentation	Road	12 20 2001	434	24

		Subwatershed ¹		Construction			
1	Cr	Canyon Creek	Sedimentation	Road Construction	12 20 2001	64	326
1	R	Upper Tributaries ²	Sedimentation	Road Construction	12 20 2001	72	67
1	R	Middle Tributaries ³	Sedimentation	Road Construction	12 20 2001	54	53
1	R	Lower Tributaries ⁴	Sedimentation	Road Construction	12 20 2001	96	55
1	Cr	Weaver and Rush Creeks	Sedimentation	Road Construction	12 20 2001	72	169
1	Cr	Deadwood Creek Hoadley Gulch Poker Bar	Sedimentation	Road Construction	12 20 2001	47	68
1	L	Lewiston Lake	Sedimentation	Road Construction	12 20 2001	25	49
1	Cr	Grassvalley Creek	Sedimentation	Road Construction	12 20 2001	37	44
1	Cr	Indian Creek	Sedimentation	Road Construction	12 20 2001	34	81
1	Cr	Reading and Browns Creek	Sedimentation	Road Construction	12 20 2001	104	66
1	Cr	Reference Subwatersheds ⁵	Sedimentation	Road Construction	12 20 2001	235	281
1	L, Cr	Westside tributaries ⁶	Sedimentation	Road Construction	12 20 2001	93	105
1	R, Cr, G	Upper trinity ⁷	Sedimentation	Road Construction	12 20 2001	161	690
1	R, Cr, G	East Fork Tributaries ⁸	Sedimentation	Road Construction	12 20 2001	115	65

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1	R, L	Eastside Tributaries ⁹	Sedimentation	Road Construction	12 20 2001	89	60
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1 New River, Big French, Manzanita, North Fork, East Fork, North Fork

2 Dutch, Soldier, Oregon gulch, Conner Creek

3 Big Bar, Prairie Creek, Little French Creek

4 Swede, Italian, Canadian, Cedar Flat, Mill, McDonald, Hennessy, Quimby, Hawkins, Sharber

5 Stuarts Fork, Swift Creek, Coffee Creek

6 Stuart Arm, Stoney Creek, Mule Creek, East Fork, Stuart Fork, West Side Trinity Lake, Hatchet Creek, Buckeye Creek,

7 Upper Trinity River, Tangle Blue, Sunflower, Graves, Bear Upper Trinity Mainstream, Ramshorn Creek, Ripple Creek, Minnehaha Creek, Snowslide Gulch, Scorpion Creek

8 East Fork Trinity, Cedar Creek, Squirrel Gulch

9 East Side Tributaries, Trinity Lake

Q Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi ²	WLA tons mi ² yr
1 R1.epa.trinity.so.sed	R, Cr	South Fork Trinity River and Hayfork Creek	Sedimentation	Road Construction	12 1998	Not given, 19 miles long	33 (road total)

R Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi ²	WLA tons mi ² yr
1 R1.epa.vanduzen.sed	R, Cr	Van Duzen River and Yager Creek	Sedimentation	Various	12 16 1999	429	1353 total allocation
1		Upper Basin	Sedimentation	Road Construction			7
1		Middle Basin	Sedimentation	Road Construction			22
1		Lower Basin	Sedimentation	Road Construction			20

S Region	Type	Name	Pollutant Stressor	Potential	TMDL	Watershed	WLA tons mi ²
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				Sources	Completion Date	Acres mi ²	yr	
6	R6.blackwood.sed	Cr	Blackwood Creek (Placer County)	Bedded Sediment	Various	9 2007	11	17272 total

T Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Acres mi ²	WLA tons mi ² yr	
6	R6.SquawCk.sed	R	Squaw Creek (Placer County)	Sedimentation /controllable sources	Various – basin plan amendment	4 13 2006	8.2	10,900

Adopted TMDLs for Construction Sediment Sources

Region	Type	Name	Pollutant Stressor	Potential Sources	TMDL Completion Date	Watershed Area mi ²	Waste load Allocation tons mi ² yr
8	R	Newport Bay San Diego Creek Watershed	Sedimentation	Construction Land Development	1999	2.24 (1432 acres)	125,000 tons per Year (no more than 13,000 tons per year from construction sites)

APPENDIX 5: Glossary

Active Areas of Construction

All areas subject to land surface disturbance activities related to the project including, but not limited to, project staging areas, immediate access areas and storage areas. All previously active areas are still considered active areas until final stabilization is complete. [The construction activity Phases used in this General Permit are the Preliminary Phase, Grading and Land Development Phase, Streets and Utilities Phase, and the Vertical Construction Phase.]

Active Treatment System (ATS)

A treatment system that employs chemical coagulation, chemical flocculation, or electrocoagulation to aid in the reduction of turbidity caused by fine suspended sediment.

Acute Toxicity Test

A chemical stimulus severe enough to rapidly induce a negative effect; in aquatic toxicity tests, an effect observed within 96 hours or less is considered acute.

Air Deposition

Airborne particulates from construction activities.

Approved Signatory

A person who has been authorized by the Legally Responsible Person to sign, certify, and electronically submit Permit Registration Documents, Notices of Termination, and any other documents, reports, or information required by the General Permit, the State or Regional Water Board, or U.S. EPA. The Approved Signatory must be one of the following:

1. For a corporation or limited liability company: a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation or limited liability company; or (b) the manager of the facility if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
2. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
3. For a municipality, State, Federal, or other public agency: a principal executive officer, ranking elected official, city manager, council president, or any other authorized public employee with managerial responsibility over the

construction or land disturbance project (including, but not limited to, project manager, project superintendent, or resident engineer);

4. For the military: any military officer or Department of Defense civilian, acting in an equivalent capacity to a military officer, who has been designated;
5. For a public university: an authorized university official;
6. For an individual: the individual, because the individual acts as both the Legally Responsible Person and the Approved Signatory; or
7. For any type of entity not listed above (e.g. trusts, estates, receivers): an authorized person with managerial authority over the construction or land disturbance project.

Beneficial Uses

As defined in the California Water Code, beneficial uses of the waters of the state that may be protected against quality degradation include, but are not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

Best Available Technology Economically Achievable (BAT)

As defined by USEPA, BAT is a technology-based standard established by the Clean Water Act (CWA) as the most appropriate means available on a national basis for controlling the direct discharge of toxic and nonconventional pollutants to navigable waters. The BAT effluent limitations guidelines, in general, represent the best existing performance of treatment technologies that are economically achievable within an industrial point source category or subcategory.

Best Conventional Pollutant Control Technology (BCT)

As defined by USEPA, BCT is a technology-based standard for the discharge from existing industrial point sources of conventional pollutants including biochemical oxygen demand (BOD), total suspended sediment (TSS), fecal coliform, pH, oil and grease.

Best Professional Judgment (BPJ)

The method used by permit writers to develop technology-based NPDES permit conditions on a case-by-case basis using all reasonably available and relevant data.

Best Management Practices (BMPs)

BMPs are scheduling of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures,

and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Chain of Custody (COC)

Form used to track sample handling as samples progress from sample collection to the analytical laboratory. The COC is then used to track the resulting analytical data from the laboratory to the client. COC forms can be obtained from an analytical laboratory upon request.

Coagulation

The clumping of particles in a discharge to settle out impurities, often induced by chemicals such as lime, alum, and iron salts.

Common Plan of Development

Generally a contiguous area where multiple, distinct construction activities may be taking place at different times under one plan. A plan is generally defined as any piece of documentation or physical demarcation that indicates that construction activities may occur on a common plot. Such documentation could consist of a tract map, parcel map, demolition plans, grading plans or contract documents. Any of these documents could delineate the boundaries of a common plan area. However, broad planning documents, such as land use master plans, conceptual master plans, or broad-based CEQA or NEPA documents that identify potential projects for an agency or facility are not considered common plans of development.

Daily Average Discharge

The discharge of a pollutant measured during any 24-hour period that reasonably represents a calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged during the day. For pollutants with limitations expressed in other units of measurement (e.g., concentration) the daily discharge is calculated as the average measurement of the pollutant throughout the day (40 CFR 122.2). In the case of pH, the pH must first be converted from a log scale.

Debris

Litter, rubble, discarded refuse, and remains of destroyed inorganic anthropogenic waste.

Direct Discharge

A discharge that is routed directly to waters of the United States by means of a pipe, channel, or ditch (including a municipal storm sewer system), or through surface runoff.

Discharger

The Legally Responsible Person (see definition) or entity subject to this General Permit.

Dose Rate (for ATS)

In exposure assessment, dose (e.g. of a chemical) per time unit (e.g. mg/day), sometimes also called dosage.

Drainage Area

The area of land that drains water, sediment, pollutants, and dissolved materials to a common outlet.

Effluent

Any discharge of water by a discharger either to the receiving water or beyond the property boundary controlled by the discharger.

Effluent Limitation

Any numeric or narrative restriction imposed on quantities, discharge rates, and concentrations of pollutants which are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

Erosion

The process, by which soil particles are detached and transported by the actions of wind, water, or gravity.

Erosion Control BMPs

Vegetation, such as grasses and wildflowers, and other materials, such as straw, fiber, stabilizing emulsion, protective blankets, etc., placed to stabilize areas of disturbed soils, reduce loss of soil due to the action of water or wind, and prevent water pollution.

Field Measurements

Testing procedures performed in the field with portable field-testing kits or meters.

Final Stabilization

All soil disturbing activities at each individual parcel within the site have been completed in a manner consistent with the requirements in this General Permit.

First Order Stream

Stream with no tributaries.

Flocculants

Substances that interact with suspended particles and bind them together to form flocs.

Good Housekeeping BMPs

BMPs designed to reduce or eliminate the addition of pollutants to construction site runoff through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

Grading Phase (part of the Grading and Land Development Phase)

Includes reconfiguring the topography and slope including; alluvium removals; canyon cleanouts; rock undercuts; keyway excavations; land form grading; and stockpiling of select material for capping operations.

Hydromodification

Hydromodification is the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources. Hydromodification can cause excessive erosion and/or sedimentation rates, causing excessive turbidity, channel aggradation and/or degradation.

Identified Organisms

Organisms within a sub-sample that is specifically identified and counted.

Inactive Areas of Construction

Areas of construction activity that are not active and those that have been active and are not scheduled to be re-disturbed for at least 14 days.

Index Period

The period of time during which bioassessment samples must be collected to produce results suitable for assessing the biological integrity of streams and rivers. Instream communities naturally vary over the course of a year, and sampling during the index period ensures that samples are collected during a time frame when communities are stable so that year-to-year consistency is obtained. The index period approach provides a cost-effective alternative to year-round sampling. Furthermore, sampling within the appropriate index period will yield results that are comparable to the assessment thresholds or criteria for a given region, which are established for the same index period. Because index periods differ for different parts of the state, it is essential to know the index period for your area.

K Factor

The soil erodibility factor used in the Revised Universal Soil Loss Equation (RUSLE). It represents the combination of detachability of the soil, runoff potential of the soil, and the transportability of the sediment eroded from the soil.

Legally Responsible Person

The Legally Responsible Person (LRP) will typically be the project proponent. The categories of persons or entities that are eligible to serve as the LRP are set forth below. For any construction or land disturbance project where multiple persons or entities are eligible to serve as the LRP, those persons or entities

shall select a single LRP. In exceptional circumstances, a person or entity that qualifies as the LRP may provide written authorization to another person or entity to serve as the LRP. In such a circumstance, the person or entity that provides the authorization retains all responsibility for compliance with the General Permit. Except as provided in category 2(d), a contractor who does not satisfy the requirements of any of the categories below is not qualified to be an LRP.

The following persons or entities may serve as an LRP:

1. A person, company, agency, or other entity that possesses a real property interest (including, but not limited to, fee simple ownership, easement, leasehold, or other rights of way) in the land upon which the construction or land disturbance activities will occur for the regulated site.
2. In addition to the above, the following persons or entities may also serve as an LRP:
 - a. For linear underground/overhead projects, the utility company, municipality, or other public or private company or agency that owns or operates the LUP;
 - b. For land controlled by an estate or similar entity, the person who has day-to-day control over the land (including, but not limited to, a bankruptcy trustee, receiver, or conservator);
 - c. For pollution investigation and remediation projects, any potentially responsible party that has received permission to conduct the project from the holder of a real property interest in the land; or
 - d. For U.S. Army Corp of Engineers projects, the U.S. Army Corps of Engineers may provide written authorization to its bonded contractor to serve as the LRP, provided, however, that the U.S. Army Corps of Engineers is also responsible for compliance with the general permit, as authorized by the Clean Water Act or the Federal Facilities Compliance Act.

Likely Precipitation Event

Any weather pattern that is forecasted to have a 50% or greater chance of producing precipitation in the project area. The discharger shall obtain likely precipitation forecast information from the National Weather Service Forecast Office (e.g., by entering the zip code of the project's location at <http://www.srh.noaa.gov/forecast>).

Maximum Allowable Threshold Concentration (MATC)

The allowable concentration of residual, or dissolved, coagulant/flocculant in effluent. The MATC shall be coagulant/flocculant-specific, and based on toxicity

testing conducted by an independent, third-party laboratory. A typical MATC would be:

The MATC is equal to the geometric mean of the NOEC (No Observed Effect Concentration) and LOEC (Lowest Observed Effect Concentration) Acute and Chronic toxicity results for most sensitive species determined for the specific coagulant. The most sensitive species test shall be used to determine the MATC.

Natural Channel Evolution

The physical trend in channel adjustments following a disturbance that causes the river to have more energy and degrade or aggrade more sediment. Channels have been observed to pass through 5 to 9 evolution types. Once they pass through the suite of evolution stages, they will rest in a new state of equilibrium.

Non-Storm Water Discharges

Discharges are discharges that do not originate from precipitation events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

Non-Visible Pollutants

Pollutants associated with a specific site or activity that can have a negative impact on water quality, but cannot be seen through observation (ex: chlorine). Such pollutants being discharged are not authorized.

Numeric Action Level (NAL)

Level is used as a warning to evaluate if best management practices are effective and take necessary corrective actions. Not an effluent limit.

Original Sample Material

The material (i.e., macroinvertebrates, organic material, gravel, etc.) remaining after the subsample has been removed for identification.

pH

Unit universally used to express the intensity of the acid or alkaline condition of a water sample. The pH of natural waters tends to range between 6 and 9, with neutral being 7. Extremes of pH can have deleterious effects on aquatic systems.

Post-Construction BMPs

Structural and non-structural controls which detain, retain, or filter the release of pollutants to receiving waters after final stabilization is attained.

Preliminary Phase (Pre-Construction Phase - Part of the Grading and Land Development Phase)

Construction stage including rough grading and/or disking, clearing and grubbing operations, or any soil disturbance prior to mass grading.

Project

Qualified SWPPP Developer

Individual who is authorized to develop and revise SWPPPs.

Qualified SWPPP Practitioner

Individual assigned responsibility for non-storm water and storm water visual observations, sampling and analysis, and responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

Qualifying Rain Event

Any event that produces 0.5 inches or more precipitation with a 48 hour or greater period between rain events.

R Factor

Erosivity factor used in the Revised Universal Soil Loss Equation (RUSLE). The R factor represents the erosivity of the climate at a particular location. An average annual value of R is determined from historical weather records using erosivity values determined for individual storms. The erosivity of an individual storm is computed as the product of the storm's total energy, which is closely related to storm amount, and the storm's maximum 30-minute intensity.

Rain Event Action Plan (REAP)

Written document, specific for each rain event, that when implemented is designed to protect all exposed portions of the site within 48 hours of any likely precipitation event.

Remaining Sub sampled Material

The material (e.g., organic material, gravel, etc.) that remains after the organisms to be identified have been removed from the subsample for identification. (Generally, no macroinvertebrates are present in the remaining subsampled material, but the sample needs to be checked and verified using a complete Quality Assurance (QA) plan)

Routine Maintenance

Activities intended to maintain the original line and grade, hydraulic capacity, or original purpose of a facility.

Runoff Control BMPs

Measures used to divert runoff from offsite and runoff within the site.

Run-on

Discharges that originate offsite and flow onto the property of a separate project site.

Revised Universal Soil Loss Equation (RUSLE)

Empirical model that calculates average annual soil loss as a function of rainfall and runoff erosivity, soil erodibility, topography, erosion controls, and sediment controls.

Sampling and Analysis Plan

Document that describes how the samples will be collected, under what conditions, where and when the samples will be collected, what the sample will be tested for, what test methods and detection limits will be used, and what methods/procedures will be maintained to ensure the integrity of the sample during collection, storage, shipping and testing (i.e., quality assurance/quality control protocols).

Sediment

Solid particulate matter, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

Sedimentation

Process of deposition of suspended matter carried by water, wastewater, or other liquids, by gravity. It is usually accomplished by reducing the velocity of the liquid below the point at which it can transport the suspended material.

Sediment Control BMPs

Practices that trap soil particles after they have been eroded by rain, flowing water, or wind. They include those practices that intercept and slow or detain the flow of storm water to allow sediment to settle and be trapped (e.g., silt fence, sediment basin, fiber rolls, etc.).

Settleable Solids (SS)

Solid material that can be settled within a water column during a specified time frame. It is typically tested by placing a water sample into an Imhoff settling cone and then allowing the solids to settle by gravity for a given length of time. Results are reported either as a volume (mL/L) or a mass (mg/L) concentration.

Sheet Flow

Flow of water that occurs overland in areas where there are no defined channels where the water spreads out over a large area at a uniform depth.

Site**Soil Amendment**

Any material that is added to the soil to change its chemical properties, engineering properties, or erosion resistance that could become mobilized by storm water.

Streets and Utilities Phase

Construction stage including excavation and street paving, lot grading, curbs, gutters and sidewalks, public utilities, public water facilities including fire hydrants, public sanitary sewer systems, storm sewer system and/or other drainage improvements.

Structural Controls

Any structural facility designed and constructed to mitigate the adverse impacts of storm water and urban runoff pollution

Suspended Sediment Concentration (SSC)

The measure of the concentration of suspended solid material in a water sample by measuring the dry weight of all of the solid material from a known volume of a collected water sample. Results are reported in mg/L.

Total Suspended Solids (TSS)

The measure of the suspended solids in a water sample includes inorganic substances, such as soil particles and organic substances, such as algae, aquatic plant/animal waste, particles related to industrial/sewage waste, etc. The TSS test measures the concentration of suspended solids in water by measuring the dry weight of a solid material contained in a known volume of a sub-sample of a collected water sample. Results are reported in mg/L.

Toxicity

The adverse response(s) of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

Turbidity

The cloudiness of water quantified by the degree to which light traveling through a water column is scattered by the suspended organic and inorganic particles it contains. The turbidity test is reported in Nephelometric Turbidity Units (NTU) or Jackson Turbidity Units (JTU).

Vertical Construction Phase

The Build out of structures from foundations to roofing, including rough landscaping.

Waters of the United States

Generally refers to surface waters, as defined by the federal Environmental Protection Agency in 40 C.F.R. § 122.2.¹

Water Quality Objectives (WQO)

Water quality objectives are defined in the California Water Code as limits or levels of water quality constituents or characteristics, which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

¹ The application of the definition of “waters of the United States” may be difficult to determine; there are currently several judicial decisions that create some confusion. If a landowner is unsure whether the discharge must be covered by this General Permit, the landowner may wish to seek legal advice.

APPENDIX 6: Acronym List

ASBS	Areas of Special Biological Significance
ASTM	American Society of Testing and Materials; Standard Test Method for Particle-Size Analysis of Soils
ATS	Active Treatment System
BASMAA	Bay Area Storm water Management Agencies Association
BAT	Best Available Technology Economically Achievable
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
CAFO	Confined Animal Feeding Operation
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGP	NPDES General Permit for Storm Water Discharges Associated with Construction Activities
CIWQS	California Integrated Water Quality System
CKD	Cement Kiln Dust
COC	Chain of Custody
CPESC	Certified Professional in Erosion and Sediment Control
CPSWQ	Certified Professional in Storm Water Quality
CSMP	Construction Site Monitoring Program
CTB	Cement Treated Base
CTR	California Toxics Rule
CWA	Clean Water Act
CWC	California Water Code
CWP	Center for Watershed Protection
DADMAC	Diallyldimethyl-ammonium chloride
DDNR	Delaware Department of Natural Resources
DFG	Department of Fish and Game
DHS	Department of Health Services
DWQ	Division of Water Quality
EC	Electrical Conductivity
ELAP	Environmental Laboratory Accreditation Program
EPA	Environmental Protection Agency
ESA	Environmentally Sensitive Area
ESC	Erosion and Sediment Control
HSPF	Hydrologic Simulation Program Fortran
JTU	Jackson Turbidity Units
LID	Low Impact Development
LOEC	Lowest Observed Effect Concentration
LRP	Legally Responsible Person
LUP	Linear Underground/Overhead Projects

MATC	Maximum Allowable Threshold Concentration
MDL	Method Detection Limits
MRR	Monitoring and Reporting Requirements
MS4	Municipal Separate Storm Sewer System
MUSLE	Modified Universal Soil Loss Equation
NAL	Numeric Action Level
NEL	Numeric Effluent Limitation
NICET	National Institute for Certification in Engineering Technologies
NOAA	National Oceanic and Atmospheric Administration
NOEC	No Observed Effect Concentration
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NTR	National Toxics Rule
NTU	Nephelometric Turbidity Units
O&M	Operation and Maintenance
PAC	Polyaluminum chloride
PAM	Polyacrylamide
PASS	Polyaluminum chloride Silica/sulfate
POC	Pollutants of Concern
PoP	Probability of Precipitation
POTW	Publicly Owned Treatment Works
PRDs	Permit Registration Documents
PWS	Planning Watershed
QAMP	Quality Assurance Management Plan
QA/QC	Quality Assurance/Quality Control
REAP	Rain Event Action Plan
Regional Board	Regional Water Quality Control Board
ROWD	Report of Waste Discharge
RUSLE	Revised Universal Soil Loss Equation
RW	Receiving Water
SMARTS System	Storm water Multi Application Reporting and Tracking
SS	Settleable Solids
SSC	Suspended Sediment Concentration
SUSMP	Standard Urban Storm Water Mitigation Plan
SW	Storm Water
SWARM	Storm Water Annual Report Module
SWAMP	Surface Water Ambient Monitoring Program
SWMM	Storm Water Management Model
SWMP	Storm Water Management Program
SWPPP	Storm Water Pollution Prevention Plan
TC	Treatment Control
TDS	Total Dissolved Solids

TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
USACOE	U.S. Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
WDID	Waste Discharge Identification Number
WDR	Waste Discharge Requirements
WLA	Waste Load Allocation
WET	Whole Effluent Toxicity
WRCC	Western Regional Climate Center
WQBEL	Water Quality Based Effluent Limitation
WQO	Water Quality Objective
WQS	Water Quality Standard

APPENDIX 7: State and Regional Water Resources Control Board Contacts

NORTH COAST REGION (1)
5550 Skylane Blvd, Ste. A
Santa Rose, CA 95403
(707) 576-2220 FAX: (707)523-0135

SAN FRANCISCO BAY REGION (2)
1515 Clay Street, Ste. 1400
Oakland, CA 94612
(510) 622-2300 FAX: (510) 622-2640

CENTRAL COAST REGION (3)
895 Aerovista Place, Ste 101
San Luis Obispo, CA 93401
(805) 549-3147 FAX: (805) 543-0397

LOS ANGELES REGION (4)
320 W. 4th Street, Ste. 200
Los Angeles, CA 90013
(213) 576-6600 FAX: (213) 576-6640

LAHONTAN REGION (6 SLT)
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
(530) 542-5400 FAX: (530) 544-2271

VICTORVILLE OFFICE (6V)
14440 Civic Drive, Ste. 200
Victorville, CA 92392-2383
(760) 241-6583 FAX: (760) 241-7308

CENTRAL VALLEY REGION (5S)
11020 Sun Center Dr., #200
Rancho Cordova, CA 95670-6114
(916) 464-3291 FAX: (916) 464-4645

FRESNO BRANCH OFFICE (5F)
1685 E St.
Fresno, CA 93706
(559) 445-5116 FAX: (559) 445-5910

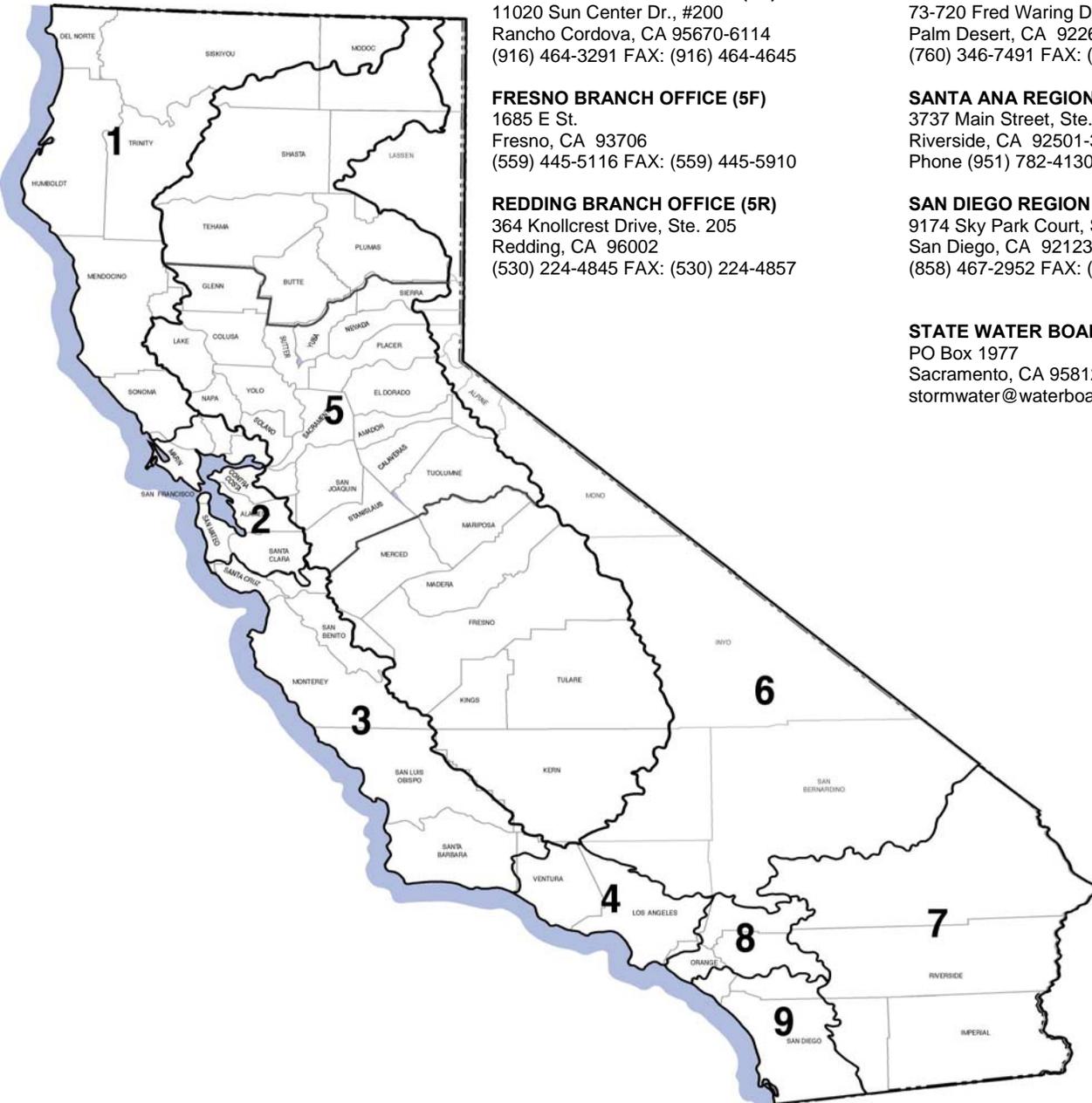
REDDING BRANCH OFFICE (5R)
364 Knollcrest Drive, Ste. 205
Redding, CA 96002
(530) 224-4845 FAX: (530) 224-4857

COLORADO RIVER BASIN REGION (7)
73-720 Fred Waring Dr., Ste. 100
Palm Desert, CA 92260
(760) 346-7491 FAX: (760) 341-6820

SANTA ANA REGION (8)
3737 Main Street, Ste. 500
Riverside, CA 92501-3339
Phone (951) 782-4130 FAX: (951) 781-6288

SAN DIEGO REGION (9)
9174 Sky Park Court, Ste. 100
San Diego, CA 92123-4340
(858) 467-2952 FAX: (858) 571-6972

STATE WATER BOARD
PO Box 1977
Sacramento, CA 95812-1977
stormwater@waterboards.ca.gov



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Exhibit No. 2
NOI

Navigate To:

NOTICE OF INTENT - Owner Information

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WDID: 9 37C369293	Owner: Jacobs Center for Neighborhood Innovation 404 Euclid Ave San Diego CA 92114	Status: Active	Processed Date: 03/28/2014
Permit Type: Construction	Site: Northwest Village Creek 602 Euclid Avenue San Diego CA 92114	Certified Date: 03/26/2014	NOT Effective Date:

- Owner Info
- Developer Info
- Site Info
- Risk
- Addtl Site Info
- Post Construction
- Billing Info
- Attachments
- Certification
- Requirements
- Reports
- Inspections
- Violations
- Enforcement Actions
- Admin Changes
- Tasks
- Print
- Notes
- Status History
- Linked Users
- NOTs
- COIs

Property Owner Information		Populate Contact Info: <input type="text" value="Select"/>	
Owner Name:	Jacobs Center for Neighborhood In *?	Contact First Name:	Stephen *
Street Address:	404 Euclid Ave *?	Contact Last Name:	MaduliWilliams *
Address Line 2:	<input type="text" value=""/>	Title:	<input type="text" value=""/>
City/State/Zip::	San Diego CA 92114 *?	Phone:	619-527-6161 * Ext: (999-999-9999)
Type:	Private Business *?/?	E-mail:	swilliams@jacobscenter.org * (abc@xyz.com)
Federal Tax ID:	33-0683658 ?		

Fields marked with * are mandatory fields.

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 602 Euclid Avenue San Diego CA 92114

[Owner Info](#) [Developer Info](#) [Site Info](#) [Risk](#) [Addtl Site Info](#) [Post Construction](#) [Billing Info](#) [Attachments](#) [Certification](#) [Requirements](#)

[Reports](#) [Inspections](#) [Violations](#) [Enforcement Actions](#) [Admin Changes](#) [Tasks](#) [Print](#) [Notes](#) [Status History](#) [Linked Users](#) [NOTs](#) [COIs](#)

[Developer Information](#)

Developer Name:	Jacobs Center for Neighborhood In *	Contact First Name:	Stephen *
Street Address:	404 Euclid Ave *	Contact Last Name:	MaduliWilliams *
Address Line 2:	<input type="text"/>	Title:	<input type="text"/>
City/State/Zip::	San Diego CA 92114 *	Phone:	619-527-6161 * Ext: (999-999-9999)
		E-mail:	swilliams@jacobscenter.org * (abc@xyz.com)

Fields marked with * are mandatory fields.

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NOTICE OF INTENT - Site Information

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- NOTs
- COIs

Site Information If different, enter below

Site Name: <input type="text" value="Northwest Village Creek"/> *	Contact First Name: <input type="text" value="Stephen"/> *
Street Address: <input type="text" value="602 Euclid Avenue"/> *	Contact Last Name: <input type="text" value="MaduliWilliams"/> *
Address Line 2: <input type="text"/>	Title: <input type="text"/>
Latitude: <input type="text" value="32.71178"/> * Longitude: <input type="text" value="-117.08589"/> * <small>(Decimal degrees only, minimum 5 significant digits Ex: 99.99999)</small>	Phone: <input type="text" value="619-527-6161"/> * Ext: <input type="text"/> (999-999-9999)
City: <input type="text" value="San Diego"/> *	Emergency Phone: <input type="text"/> Ext: <input type="text"/> (999-999-9999)
County: <input type="text" value="San Diego"/> *	E-mail: <input type="text" value="swilliams@jacobscenter.org"/> * <small>(abc@xyz.com)</small>
Regional Board: <input type="text" value="Region 9 - San Diego"/> *	
State/Zip: <input type="text" value="CA 92114"/> *	Total Site Size: <input type="text" value="3.7"/> * <input checked="" type="radio"/> Acres <input type="radio"/> Sqft

Additional Information (Construction Specific)

Total Area to be Disturbed: <input type="text" value="3.7"/> Acres *	Percent of Total Disturbed: <input type="text" value="100"/> %
Imperviousness Before Construction: <input type="text" value="94"/> % *	Imperviousness After Construction: <input type="text" value="49"/> % *
Tract Number(s): <input type="text"/>	
Mile Post Marker: <input type="text"/>	
Is the construction site part of larger common plan of development? <input type="radio"/> Yes <input checked="" type="radio"/> No *	
Name of plan or development: <input type="text"/>	
Construction Commencement Date: <input type="text" value="03/24/2014"/> * <small>(mm/dd/yyyy)</small>	
Complete Grading Date: <input type="text"/>	Complete Project Date: <input type="text" value="08/31/2014"/> * <small>(mm/dd/yyyy)</small>

Type of Construction

Construction

Residential Commercial Industrial Reconstruction Transportation Utility:
 Other: *

Linear Utility Project

Above Ground Below Ground Gas Line Water/Sewer Line Communication Line Cable Line Electrical

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NOTICE OF INTENT - Additional Site Information

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Regulatory Status

If applicable, has the local agency reviewed/approved a required erosion/sediment control plan? Yes No N/A

Does the erosion/sediment control plan address construction activities such as infrastructure and structures? Yes No N/A

Name of Local Agency:

Phone:

Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 Water Quality Certification? Yes No

If yes, provide details:

Receiving Water Information

Does the storm water runoff from the construction site discharge to (check all that apply):

Indirectly to waters of the US
 Storm drain system - Enter owner's name:
 Directly to waters of the US (e.g, river, lake, creek, stream, bay, ocean, etc)

Name of receiving water: (river, lake, creek, stream, bay, ocean)

Qualified SWPPP Developer (QSD)

First Name: *

Last Name: *

QSD Certification No: *

Fields marked with * are mandatory fields.

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Billing Information **If different, enter below.** **Bill Month:** January **Bill Hold:**

Billing Name: * **Contact First Name:** *
Street Address: * **Contact Last Name:** *
Address Line 2: **Title:**
City/State/Zip: * **Phone:** * **Ext:** **(999-999-9999)**
Reason for Change
E-mail: * *

Fields marked with * are mandatory fields.

SWRCB Tax ID: 68-0281986

The following are the Invoices and Payments associated with this NOI.

Invoices:

For a copy of the original invoice please email fee_branch@waterboards.ca.gov or call (916) 341-5247

Invoice No	Invoice Date	Fiscal Year	Invoice Amount	Original Invoice Amount	Invoice Status	Status Date	Prepare Form-X
------------	--------------	-------------	----------------	-------------------------	----------------	-------------	----------------

Payments:

Payment No	Payment Method	Payer Name	ROC No	Total Amount	Reference No	Allocated Amount	Unallocated Amount	Refunded Amount
68356	Check	Diamond Management Inc SW2564		\$715.00	11650	\$715.00	\$0.00	

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The electronic "Notice of Intent" has been successfully received by the State Water Resources Control Board's database. The confirmation information for this certification is as follows:

SWRCB Application No.	SA444857
Permit Type	Construction
Submission/Certify Date	03/26/2014
Certifier Name	Stephen MaduliWilliams
Certifier Title	Vice President Economic Development

Please print out this screen as proof of certification. If you need to correct any information, please contact the Regional Board representative.

All records must be retained for 5 years from the date of the report or monitoring activity.

Please note, by default all the reporting requirements associated with the order are linked to the NOI. For inapplicable reporting requirements, go to the requirements in order level, click on the inapplicable reporting requirement and uncheck the NOI from the list and save before close of business (COB) on the day the NOI is approved.

The NOI is Active. The receipt letter can be downloaded by clicking on the Receipt Letter button in the Print Tab

Review Decision History

Review Decision	Incomplete Application	Application Not Signed	Payment Not Enclosed	Under Payment	Site Map not enclosed	Incorrect NOI	Status By	Action Date Srt	Review Comments	Notes To Discharger
Active	N	N	N	N	N	N	Aubrey Mollenauer	03/28/2014		

Fields marked with * are mandatory fields.

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602 Euclid Avenue San Diego CA 92114

[Owner Info](#) [Developer Info](#) [Site Info](#) [Risk](#) [Addtl Site Info](#) [Post Construction](#) [Billing Info](#) [Attachments](#) [Certification](#) [Requirements](#)

[Reports](#) [Inspections](#) [Violations](#) [Enforcement Actions](#) [Admin Changes](#) [Tasks](#) [Print](#) [Notes](#) [Status History](#) [Linked Users](#) [NOTs](#) [COIs](#)

Discharger Accounts Linked

Account ID	User Name	User Role	Email	Phone No	Effective Date	End Date	Linked By
631798	Stephen MaduliWilliams	Legal Responsible Person of the Organization	swilliams@jacobscenter.org	619-527-6161 139			Stephen MaduliWilliams
603070	Kelly Doyle	Data Entry Person	kdoyle@rickengineering.com	619-291-0707			Kelly Doyle

Internal Accounts Linked

Account ID	User Name	User Role	Email	Phone No	Effective Date	Linked By	Delink
Internal Staff Name: <input type="text" value="Select"/> Internal Staff Role: <input type="text" value="Select"/> <input type="button" value="Link"/>							

Discharger Accounts De-linked

Account ID	User Name	User Role	Email	Phone No	Effective Date	End Date	Delinked By
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Internal Accounts De-linked

Account ID	User Name	User Role	Email	Phone No	Effective Date	End Date	Delinked By
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Internal User Accounts Linked to Order

Account ID	User Name	User Role	Email	Phone No	Effective Date	End Date	Linked By
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Fields marked with * are mandatory fields.



**Exhibit No. 3
NOV**



California Regional Water Quality Control Board, San Diego Region

December 10, 2014

Via email only

Stephen Maduli-Williams
Vice President, Economic Development
Jacobs Center for Neighborhood Innovation
404 Euclid Avenue
San Diego, California 92114
swilliams@jacobscenter.org

In reply refer to / attn:
SM-828254:wchiu

Subject: Notice of Violation No. R9-2014-0145, Northwest Village Creek Construction Project, Order No. 2009-0009-DWQ, NPDES Permit No. CAS000002, Construction General Permit

Mr. Maduli-Williams:

Enclosed is Notice of Violation (NOV) No. R9-2014-0145 issued to the Jacobs Center for Neighborhood Innovation for violations of Order No. 2009-0009-DWQ, issued by the California State Water Resources Control Board and overseen by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board). As described in the NOV, the violations are subject to further enforcement pursuant to the California Water Code. The San Diego Water Board reserves the right to take any enforcement action authorized by law.

Please provide a written response **by December 19, 2014** that confirms the violations have been corrected, identify a date by which the violations were corrected, and description of the actions taken to ensure future violations of Order No. 2009-0009-DWQ will not occur.

In making the determination of whether and how to proceed with further enforcement action, the San Diego Water Board will consider the severity and effect of the violation, the level of cooperation, the time it takes to correct the identified violations, and the sufficiency of the corrections.

Please send any written correspondence in response to this letter to SanDiego@waterboards.ca.gov. These electronic documents must be submitted as a single file, in Portable Document Format (PDF) format, and converted to text searchable format using Optical Character Recognition (OCR). All electronic documents must also include scanned copies of all signature pages; electronic signatures will not be accepted. Electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: **PIN: SM-828254:wchiu**.

For questions pertaining to the subject matter, please contact Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.

Respectfully,



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management Unit

ESB:wc

Enclosure: Notice of Violation No. R9-2014-0145

cc (via email only): Andy Dipalma, Savant Construction (adipalma@savantccf.com)
Marisa Dauber, Whitson CM ([mdauber@whitsoncm.com](mailto:mداuber@whitsoncm.com))
Kelly Doyle, Rick Engineering (kdoyle@rickengineering.com)
Joe Hammond, Rick Engineering (jhammond@rickengineering.com)
Julie Ballesteros, City of San Diego (BallesterosJ@sandiego.gov)

Tech Staff Info & Use	
Order No.	2009-0009-DWQ
NPDES No.	CAS000002
Place ID	SM-828254
WDID	937C369293
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295
Enforcement ID	417092



California Regional Water Quality Control Board, San Diego Region

December 10, 2014

NOTICE OF VIOLATION
No. R9-2014-0145

Stephen Maduli-Williams
Vice President, Economic Development
Jacobs Center for Neighborhood Innovation
404 Euclid Avenue
San Diego, CA 92114

Jacobs Center for Neighborhood Innovation
Northwest Village Creek Construction Project
PIN No. SM-828254:wchiu

Violations of
Order No. 2009-0009-DWQ,
Construction General Permit

The JACOBS CENTER FOR NEIGHBORHOOD INNOVATION is hereby notified that the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) reserves the right to take any enforcement action authorized by law for the violations described herein.

The JACOBS CENTER FOR NEIGHBORHOOD INNOVATION is in violation of State Water Resources Control Board (State Water Board) Order No. 2009-0009-DWQ, NPDES No. CAS000002, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit).

A. Summary of Violations

Construction General Permit Violations

1. Failure to Comply with Discharge Prohibitions for Construction Activities:

- a. Pursuant to Provision III.B of State Water Board Order No. 2009-0009-DWQ: All discharges are prohibited except for the storm water and non-storm water discharges specifically authorized by this General Permit or another NPDES permit.

- b. Observation:** On December 4, 2014, the San Diego Water Board received a complaint of a discharge of sediment-laden storm water from the Northwest Village Creek construction site (WDID 937C369293) to Chollas Creek. The Jacobs Center for Neighborhood Innovation is the Legally Responsible Person (LRP) enrolled under the Construction General Permit (CGP) for the site. On December 4, 2014, the San Diego Water Board inspector observed evidence of sediment discharged from the site due to inadequate and ineffective implementation of best management practices (BMPs), constituting an unauthorized discharge of sediment from the site.

On December 8, 2014 the San Diego Water Board received photo and video documentation of sediment-laden storm water discharges from the site directly to Chollas Creek. The discharge was the result of inadequate implementation of erosion controls and inappropriately utilized and/or designed post-construction BMP basins for the construction phase observed during the December 4, 2014 inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 8 and 12 through 16.

2. Failure to Comply with Effluent Limitations for Construction Activities:

- a. Pursuant to Provision V.A.2 of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water discharges and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) for conventional pollutants.
- b. Pursuant to Provision IX and Section A.1.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Dischargers shall minimize or prevent pollutants in storm water and authorized non-storm water discharges through the use of controls, structures, and management practices that achieve BAT for toxic and non-conventional pollutants and BCT for conventional pollutants.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed the lack of effective erosion controls, perimeter sediment controls, and run-on and runoff controls required by the CGP, which directly lead to erosion and sedimentation that ultimately resulted in the discharge of sediment and sediment-laden water from the site observed and/or documented on December 4, 2014. The discharge was a result of the implementation of controls, structures, and BMPs that do not achieve BCT. See attached December 4, 2014 Facility Inspection Report Photos 4 through 13.

3. Failure to Implement Good Site Management “Housekeeping” Best Management Practices (BMPs) for Construction Materials and Waste Management:

- a. Pursuant to Provision IX and Section B.1.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).
- b. Pursuant to Provision IX and Section B.2.f of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed soil stockpiles that appeared to be inactive, or could be scheduled to be inactive without adequate cover, berm, containment or protection, resulting in erosion and sediment transport. See attached December 4, 2014 Facility Inspection Report Photos 1 and 4 through 8.

4. Failure to Implement Good Site Management “Housekeeping” BMPs for Vehicle Storage and Maintenance:

- a. Pursuant to Provision IX and Section B.3.a of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.
- b. Pursuant to Provision IX and Section B.3.b of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers are required to place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
- c. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector several construction equipment and vehicles stored without appropriate BMPs to prevent oil, grease or fuel to leak in to the ground, storm drains or surface waters. See attached December 4, 2014 Facility Inspection Report Photos 2 and 3.

5. Failure to Implement Adequate Erosion Controls for Inactive Areas:

- a. Pursuant to Provision IX and Section D.2 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall provide effective soil cover for inactive areas and all finished slopes, open space, utility backfill, and completed lots.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site that appeared to be inactive, or could be scheduled to be inactive, without effective soil cover or other BMPs that could

prevent erosion. In particular, a large topographic feature (claimed to be a stockpile by the site superintendent) documented by a concerned citizen from as early as September 30, 2014 to the date of the inspection (December 4, 2014), lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack of erosion control measures were observed throughout the site during the inspection. See attached December 4, 2014 Facility Inspection Report Photos 4 through 8.

6. Failure to Implement Adequate Perimeter Sediment Controls:

- a. Pursuant to Provision IX and Section E.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed several areas of the site where perimeter controls were not established or maintained to sufficiently control erosion and sediment discharges from the site. One construction entrance/exit lacked controls to prevent offsite tracking or discharges of sediment by surface runoff. See attached December 4, 2014 Facility Inspection Report Photos 9 through 11.

7. Failure to Implement Adequate Run-on and Runoff Controls:

- a. Pursuant to Provision IX and Section F.1 of Attachment C of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 shall effectively manage all run-on, all runoff within the site and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance with the effluent limitations in the CGP.
- b. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed at least one area of the site where perimeter controls were not established or maintained to prevent run-on to the site, resulting in offsite sediment being allowed to run-on to the site, which contributed to the sediment discharges from the site. See attached December 4, 2014 Facility Inspection Report Photos 9 and 10.

8. Failure to Implement, Inspect, Maintain and Repair BMPs in the SWPPP:

- a. Pursuant to Provision XIV.B of State Water Board Order No. 2009-0009-DWQ:** To demonstrate compliance with requirements of the CGP, the Qualified SWPPP Developer (QSD) shall include information in the SWPPP that supports the conclusions, selections, use, and maintenance of BMPs.

- b. Pursuant to Provision IX and Section G.1 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall ensure that all inspection, maintenance, repair and sampling activities at the project location shall be performed or supervised by a QSP representing the discharger. The QSP may delegate any or all of these activities to an employee trained to do the task(s) appropriately, but shall ensure adequate deployment.
- c. Pursuant to Provision IX and Section G.2 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Risk Level 1 dischargers shall perform weekly inspections and observations, and at least once each 24-hour period during extended storm events, to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or by trained by the QSP.
- d. Pursuant to Provision IX and Section G.3 of Attachment D of State Water Board Order No. 2009-0009-DWQ:** Upon identifying failures or other shortcomings, as directed by the QSP, Risk Level 1 dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.
- e. Observation:** During the December 4, 2014 inspection, the San Diego Water Board inspector observed a lack of implementation, and failures or other shortcomings in the implementation of good site management “housekeeping” , erosion controls, sediment controls, and run-on and runoff controls that were included in the SWPPP. For the most part, the lack of implementation, and failures or other shortcomings in the implementation of the BMPs in the SWPPP were not identified as requiring implementation, maintenance or repair by the QSP or person trained by the QSP in the weekly inspection reports reviewed. See attached December 4, 2014 Facility Inspection Report Findings 1-7.

9. Failure to Submit 2013-2014 Annual Report:

- a. Pursuant to Provision XVI.A of State Water Board Order No. 2009-0009-DWQ:** All dischargers shall prepare and electronically submit an Annual Report no later than September 1 of each year. An annual report is required if a project is active more than one continuous three month period.
- b. Observation:** Following the December 4, 2014 inspection, the San Diego Water Board inspector went on to the Storm Water Multiple Application and Report Tracking System (SMARTS) to review the 2013-2014 Annual Report. According to SMARTS, the project became active on March 26, 2014. SMARTS indicated that the 2013-2014 Annual Report is Past Due as of September 1, 2014. See attached December 4, 2014 Facility Inspection Report Finding 8.

B. Summary of Potential Enforcement Options

These violations may subject you to additional enforcement by the San Diego Water Board or State Water Resources Control Board, including a potential civil liability assessment of \$10,000 per day of violation (Water Code section 13385) and/or any of the following enforcement actions:

Other Potential Enforcement Options	Applicable Water Code Section
Technical or Investigative Order	Sections 13267 or 13383
Cleanup and Abatement Order	Section 13304
Cease and Desist Order	Sections 13301-13303
Time Schedule Order	Sections 13300, 13308

In addition, the San Diego Water Board may consider revising or rescinding applicable waste discharge requirements, if any, referring the matter to other resource agencies, referring the matter to the State Attorney General for injunctive relief, and referral to the municipal or District Attorney for criminal prosecution.

In the subject line of any response, please include the information located in the heading of this letter: "in reply refer to." Questions pertaining to this Notice of Violation should be directed to Wayne Chiu at (619) 521-3354 or wchiu@waterboards.ca.gov.



Eric S. Becker, P.E.
Senior Water Resource Control Engineer
Storm Water Management

ESB:wc

Attachments: Facility Inspection Report dated December 4, 2014

Tech Staff Info & Use	
Place ID	SM-828254
WDID	937C369293
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295
Enforcement ID	417092

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD - SAN DIEGO REGION
WATERSHED PROTECTION PROGRAM**

FACILITY INSPECTION REPORT

FACILITY: Northwest Village Creek (Walgreens) **INSPECTION DATE/TIME:** 12/4/2014; 11:30 am

WDID/FILE NO.: 937C369293

REPRESENTATIVE(S) PRESENT DURING INSPECTION:

NAME: Wayne Chiu

AFFILIATION: San Diego Water Board

NAME: Andy Dipalma

AFFILIATION: Savant Construction, Inc.

Jacobs Center for Neighborhood Innovation
NAME OF OWNER, AGENCY OR PARTY RESPONSIBLE FOR DISCHARGE

Northwest Village Creek
FACILITY OR DEVELOPER NAME (if different from owner)

404 Euclid Avenue
San Diego, CA 92114
OWNER MAILING ADDRESS

602 Euclid Avenue
San Diego, CA 92114
FACILITY ADDRESS

Stephen Maduli-Williams, 619-527-6161
OWNER CONTACT NAME AND PHONE #

Same
FACILITY OR DEVELOPER CONTACT NAME AND PHONE #

APPLICABLE WATER QUALITY LICENSING REQUIREMENTS:

- | | |
|---|---|
| <input type="checkbox"/> MS4 URBAN RUNOFF REQUIREMENTS | <input type="checkbox"/> GENERAL OR INDIVIDUAL WASTE DISCHARGE REQUIREMENTS OR NPDES |
| <input checked="" type="checkbox"/> CONSTRUCTION GENERAL PERMIT | <input type="checkbox"/> GENERAL OR INDIVIDUAL WAIVER OF WASTE DISCHARGE REQUIREMENTS |
| <input type="checkbox"/> CALTRANS GENERAL PERMIT | <input type="checkbox"/> SECTION 401 WATER QUALITY CERTIFICATION |
| <input type="checkbox"/> INDUSTRIAL GENERAL PERMIT | <input type="checkbox"/> CWC SECTION 13264 |

INSPECTION TYPE (Check One):

- "A" TYPE COMPLIANCE--COMPREHENSIVE INSPECTION IN WHICH SAMPLES ARE TAKEN. (EPA TYPE S)
- "B" TYPE COMPLIANCE--A ROUTINE NONSAMPLING INSPECTION. (EPA TYPE C)
- NONCOMPLIANCE FOLLOW-UP--INSPECTION MADE TO VERIFY CORRECTION OF A PREVIOUSLY IDENTIFIED VIOLATION.
- ENFORCEMENT FOLLOW-UP--INSPECTION MADE TO VERIFY THAT CONDITIONS OF AN ENFORCEMENT ACTION ARE BEING MET.
- COMPLAINT--INSPECTION MADE IN RESPONSE TO A COMPLAINT.
- PRE-REQUIREMENT--INSPECTION MADE TO GATHER INFO. RELATIVE TO PREPARING, MODIFYING, OR RESCINDING REQUIREMENTS.
- NO EXPOSURE CERTIFICATION (NEC) - VERIFICATION THAT THERE IS NO EXPOSURE OF INDUSTRIAL ACTIVITIES TO STORM WATER.
- NOTICE OF TERMINATION REQUEST FOR INDUSTRIAL FACILITIES OR CONSTRUCTION SITES - VERIFICATION THAT THE FACILITY OR CONSTRUCTION SITE IS NOT SUBJECT TO PERMIT REQUIREMENTS.
- COMPLIANCE ASSISTANCE INSPECTION - OUTREACH INSPECTION DUE TO DISCHARGER'S REQUEST FOR COMPLIANCE ASSISTANCE.

INSPECTION FINDINGS:

Y WERE VIOLATIONS NOTED DURING THIS INSPECTION? (YES/NO/PENDING SAMPLE RESULTS)

Facility: Northwest Village Creek
Inspection Date: 12/4/2014

I. COMPLIANCE HISTORY / PURPOSE OF INSPECTION

On morning of December 4, 2014, the San Diego Water Board received a complaint by telephone from a concerned citizen about a discharge of sediment-laden water from a construction site located on the corner of Euclid Avenue and Market Street to Chollas Creek. The complaint was called in during a storm event that began on December 3, 2014 and ended in the area late morning on December 4, 2014.

Wayne Chiu of the San Diego Water Board performed an inspection of the Northwest Village Creek construction site for compliance with the requirements of the Statewide Construction General Storm Water Permit, Order No. 2009-0009-DWQ (CGP). According to the Storm Water Multiple Application & Report Tracking System (SMARTS), the site is as a Risk Level 1 construction site, approximately 3.7 acres in size, and owned by the Jacobs Center for Neighborhood Innovation. There was no precipitation during the inspection.

The San Diego Water Board inspector met with Mr. Andy Dipalma, the superintendent for the site. According to Mr. Dipalma, the Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) performing inspections for the project is on site on a bi-weekly basis, and Mr. Dipalma performs the inspections for the weeks the QSP does not conduct inspections. Mr. Dipalma escorted the San Diego Water Board inspector during the inspection.

Following the inspection, the concerned citizen who submitted the complaint provided several photos and videos of the site before and during the storm event. Photos from the concerned citizen are referenced and included as photo documentation in this inspection report.

II. FINDINGS

1. The SWPPP available on the site had the following deficiencies:
 - a) There did not appear to a certification page signed by the Legally Responsible Person (LRP).
 - b) Weekly inspection reports were available for the last several weeks, but none of them indicated that the erosion controls were inadequate or required implementation as outlined in the SWPPP.
 - c) No training records were available to indicate anyone (i.e. construction personnel, contractors, sub-contractors) other than Mr. Dipalma received training on their responsibilities under the SWPPP.
2. Construction waste stockpile observed without adequate cover or containment (See Photo 1). Evidence of erosion and sediment transport from the stockpile observed during the inspection. All construction sites are required to contain and

Facility: Northwest Village Creek
Inspection Date: 12/4/2014

securely protect stockpiled waste material from wind and rain at all times unless actively being used.

3. Several construction equipment and vehicles observed without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters (See Photos 2-3). All construction sites are required to prevent oil, grease or fuel to leak in to the ground, storm drains, or surface waters, and to place all equipment and vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.
4. Several areas were observed to be inactive, or could be scheduled to be inactive, without effective soil cover to control potential erosion. All construction sites are required to provide effective soil cover for inactive (i.e. areas that have been disturbed and not scheduled to be re-disturbed for at least 14 days) areas and all finished slopes, open space, utility backfill, and completed lots.

In particular, a large topographic feature (claimed to be a stockpile by Mr. Dipalma) documented by a concerned citizen from as early as September 30, 2014 to the date of the inspection (December 4, 2014), lacked any effective soil cover for erosion control. Evidence of erosion and sediment transport due to lack of erosion control measures were observed throughout the site during the inspection (See Photos 4 through 8).

5. Lack of effective perimeter sediment controls observed in several locations of the site (See Photos 9 through 11). One construction entrance/exit was not adequately controlled which resulted in sediment discharges from the site. All construction sites are required to establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.
6. Lack of effective run-on controls observed which resulted in sediment discharges to the site, and contributed to sediment discharges from the site (See Photo 10). All construction sites are required to effectively manage run-on, all runoff within the site and all runoff that discharges off the site. Run-on from off site must be directed away from all disturbed areas or collectively be in compliance with the effluent limitations of the CGP.
7. Unauthorized discharge of sediment-laden storm water was documented through photos and videos provided by concerned citizen. The San Diego Water Board inspector was not aware of and did not search for the discharge location during the inspection.

The unauthorized discharge originated from the two basins that appeared to be constructed to be post-construction BMPs, and were not appropriately modified to be sediment traps (or sediment basins) during the construction phase as the outlets (or storm drain inlets) are located on the bottom of the basins without any

Facility: Northwest Village Creek
Inspection Date: 12/4/2014

risers or spillways (See Photos 12 and 13). In addition, erosion controls were not implemented to reduce the potential for sediment to be transported to the sediment traps (or sediment basins). The outlets from the post-construction BMPs are connected to a six-inch pipe outfall that discharges directly to Chollas Creek (See Photos 14 through 16).

All construction sites are required to minimize or prevent pollutants in storm water discharges through the use of controls, structures, and management practices that achieve the Best Available Technology Economically Achievable (BAT) for toxic and non-conventional pollutants and Best Conventional Pollutant Control Technology (BCT) standard for conventional pollutants.

8. A review of SMARTS indicates that the Annual Report for 2013-2014 is past due. All Risk Level 1 sites are required to prepare and electronically submit an Annual Report no later than September 1 of each year.

III. COMMENTS AND RECOMMENDATIONS

Comments

1. There is evidence that good site management “housekeeping” BMPs were not being adequately implemented (See Findings 2 and 3).
2. There is evidence that erosion controls were not adequately implemented for at least one inactive area between September 30, 2014 and December 4, 2014 for a total of 65 days contributing to discharges of sediment and sediment-laden storm water from the site (See Finding 4).
3. There is evidence that perimeter sediment controls, as well as run-on and runoff controls, were not adequately implemented which contributed to discharges of sediment from the site (See Findings 5 and 6).
4. There is evidence that erosion and sediment control BMPs were not adequately implemented to minimize or prevent the discharge of sediment in storm water from the site to Chollas Creek (See Findings 4 and 7).
5. There was evidence observed during the inspection that the site has not implemented BMPs to meet BCT Technology Based Effluent Limitations (TBELs) under Section V.A.2 of the CGP, as required for all construction sites, which resulted in the unauthorized discharges of sediment and sediment-laden water from the site observed or documented on December 4, 2014 (See Findings 2 through 7).
6. There is evidence that weekly inspections by the QSP, or performed by persons trained by the QSP were not adequately identifying and recording BMPs that

Facility: Northwest Village Creek
 Inspection Date: 12/4/2014

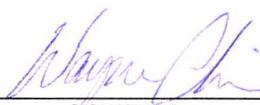
need implementation or maintenance to operate effectively, that have failed, or that could fail to operate as intended (See Findings 1 and 4).

7. There is evidence that the discharger has failed to submit the 2013-2014 Annual Report for the site by the September 1, 2014 due date, as required for Risk Level 1 sites (See Finding 8).

Recommendations

1. Issue a Notice of Violation for discharges of sediment and sediment-laden water from the site and failure to implement Risk Level 1 requirements of CGP.
2. Refer the site to the Compliance Assurance Unit to determine whether or not issuing formal enforcement action may be appropriate.

IV. SIGNATURE SECTION

Wayne Chiu		12/4/2014
STAFF INSPECTOR	SIGNATURE	INSPECTION DATE
Eric Becker		12/10/14
REVIEWED BY SUPERVISOR	SIGNATURE	DATE

SMARTS:

Tech Staff Info & Use	
WDID	937C369293
Place ID	SM-828254
Inspection ID	2024126
Violation ID	855292, 855293, 855294, 855295

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 1

Photo 1 show soil stockpile without adequate cover or containment. Evidence of erosion and sediment transport along that base of the stockpile. Photo taken by San Diego Water Board inspector on December 4, 2014.



Photo 2



Photo 3

Photos 2 and 3 show construction equipment and vehicles without appropriate BMPs (e.g. drip pans) to prevent oil, grease, or fuel to leak in to the ground, storm drains, or surface waters. Photo 2 provided by concerned citizen, taken in the morning on December 3, 2014. The same vehicles were observed by the San Diego Water Board inspector on December 4, 2014, also without appropriate BMPs. Photo 3 taken by the San Diego Water Board inspector on December 4, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 4



Photo 5

Photos 4 and 5 show the large topographic feature without any erosion controls. Linear sediment controls can be observed. Photo 4 provided by concerned citizen, taken in the morning on September 30, 2014. Photo 5 provided by concerned citizen, taken in the morning on December 3, 2014. Approximate size and shape of the topographic feature has not changed.



Photo 6

Photo 6 shows the evidence of erosion and sediment transported to the base of the slope. Photo 6 also shows the linear sediment controls were not properly installed, as the fiber rolls are not overlapped and properly trench into the slope. Photo 6 provided by concerned citizen, taken in the morning on December 3, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 7



Photo 8

Photos 7 and 8 show evidence of erosion, in the form of rills on the slope. Photo 7 also shows evidence that erosion has resulted in sediment transport to v-ditch at base of the topographic feature, which drains to a post-construction BMP basin. Photos 6 and 7 taken by San Diego Water Board inspector on December 4, 2014.



Photo 9



Photo 10

Photos 9 and 10 show factors that contributed to uncontrolled sediment discharges from the site. Photo 9 shows lack of perimeter sediment controls or tracking controls at an entrance/exit to the site. Significant offsite tracking of sediment can be seen in Photo 9. Photo 10 shows a missing section of the perimeter controls allowing offsite sediment to run-on to the site, which contributed to the sediment discharges from the site shown in Photo 9. Photos 9 and 10 taken by the San Diego Water Board inspector on December 4, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 11

Photo 11 shows an additional location where perimeter sediment controls were not established, resulting in a discharge of sediment from the site. Photo 11 taken by the San Diego Water Board inspector on December 4, 2014.



Photo 12



Photo 13

Photos 12 and 13 show the post-construction BMP basin that were inappropriately used and/or designed for the construction phase. Photo 12 shows the eastern basin, which collects runoff from the topograph feature seen in the background. Photo 13 shows the western basin. In both photos, the outlets (or storm drain inlets) can be seen surrounded by gravel bags. According to the superintendent, the outlets are covered with filter fabric. Photos 12 and 13 taken by the San Diego Water Board inspector on December 4, 2014.

Facility: Northwest Village Creek
Inspection Date: 12/4/2014



Photo 14



Photo 15

Photos 14 and 15 show the 6-inch pipe outfall connected to the post-construction BMP basins on the site discharging sediment-laden storm water directly to Chollas Creek. Photo 15 also shows a plume of sediment-laden storm water traveling downstream in Chollas Creek. Photos 14 and 15 provided by concerned citizen, taken in the morning on December 4, 2014.



Photo 16

Photo 16 shows plume of sediment-laden storm water downstream from discharge point shown in Photos 14 and 15. Photo 16 provided by concerned citizen, taken in the morning on December 4, 2014.

Whitson CM

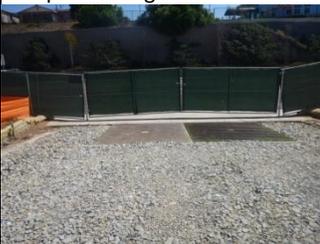
CONTRACTING & MANAGEMENT, INC.

Exhibit No. 4
QSP Inspection Reports

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	09/10/2014	Start/End Time	11:00am to 12:00pm
Date Inspection Report Written	09/10/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm:		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection:	<input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event		
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other:			
Temperature: 86 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Contractor is on site today, 09/03/14, to finish installation of gravel bags berms and silt fence for perimeter control protection. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			Repair small section of torn silt fence. 	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓			Ensure sediment remains less than 1/3 the height of silt fence to maintain perimeter control BMPs during grading activities.	No
Are there any areas where temporary linear sediment barriers are recommended to be installed?			✓	Silt fence and gravel bag berms have been installed around the entire perimeter of the project. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project. The adjacent creek is protected with silt fence.	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			BMPs will be installed as needed once sediment basin is constructed.	No

Are there drain inlets that require maintenance?		✓			No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles of demoed asphalt and other debris are being contained and removed from site. All stockpiles are located within project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓			Stockpiles are currently active and located within the site's perimeter control BMPs.	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. Shaker plates are installed at the entrance to the site for temporary tracking control BMPs; a stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave Entrance. Maintain tracking control BMPs by cleaning out built-up sediment from shaker plates and performing routine street sweeping. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?		✓		Sediment tracking observed around site entrance on Market St. Clean up accumulated sediment from curb line and sweep up tracking. 	Yes
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control. 	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No

Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?		✓			No
If no, are drip pans used?	✓			Store staged equipment with drip pans for leak protection.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓			Continue containing and removing stockpiles of rubble and debris. 	No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?			✓	Concrete pouring activities are not presently occurring on site.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?			✓		No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?			✓		No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?			✓		No

Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓				No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓				No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			<p>Portable toilets have secondary containment.</p> 	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Perform daily street sweeping at entrances; sweep up tracking and accumulated sediment from around curb and entrance on Market Street.
- 2) Repair small section of torn silt fence.

Field Recommendations Summary:

- 1) Ensure sediment remains within the protection of silt fence perimeter controls; remove built-up sediment as needed to maintain silt fence.
- 2) Install drip protection under staged equipment.

Local NOAA Weather Forecast:

Current Conditions

En Español

NA

86°F

30°C

Humidity 40%
Wind Speed W 4 G 10 MPH
Barometer NA
Dewpoint 59°F (15°C)
Visibility NA
Heat Index 85°F (29°C)
Last Update on 10 Sep 12:49 pm PDT

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.
[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:
[San Diego, CA Local Forecast Office](#)

THIS AFTERNOON	TONIGHT	THURSDAY	THURSDAY NIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY
Sunny High: 84 °F	Patched Fog Low: 70 °F	Patched Fog High: 84 °F	Patched Fog Low: 70 °F	Patched Fog High: 85 °F	Mostly Clear Low: 71 °F	Sunny High: 88 °F	Mostly Clear Low: 75 °F	Sunny High: 93 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 2pm PDT Sep 10, 2014

	Wed Sep 10				Thu Sep 11				Fri Sep 12				Sat Sep 13				Sun Sep 14				Mon Sep 15				Tue Sep 16			
Weather	Patched Fog				Patched Fog				Patched Fog																			
Daily-Temp	High 84 Low 69				High 84 Low 70				High 85 Low 70				High 88 Low 71				High 93 Low 75				High 92 Low 75				High 90 Low 75			
Chance of Precip	0%				0%				0%				0%				0%				0%							
Precip	0.00"				0.00"				0.00"				0.00"				0.00"				0.00"							
12-hr Snow Total	0"				0"				0"				0"				0"				0"							
FRET	0.15"				0.15"				0.16"				0.18"				0.19"				0.18"							
6-Hour Temp	5am	11am	5pm	11pm																								
Temp	69	81	81	72	70	82	81	72	70	82	82	73	71	85	85	77	75	90	89	78	75	89	89	78	75	87	87	76
Cloudiness	29%	20%	10%	41%	49%	10%	7%	30%	30%	7%	9%	11%	12%	10%	11%	14%	14%	10%	10%	11%	11%	12%	12%	13%	13%	24%	24%	17%
Dewpoint	66	67	65	66	65	66	65	65	65	66	65	66	65	67	67	67	67	68	68	68	67	69	68	66	65	65	64	66
Relative Humidity	91%	62%	59%	79%	83%	59%	57%	78%	83%	57%	57%	76%	81%	54%	54%	71%	75%	49%	49%	70%	74%	51%	51%	68%	71%	47%	48%	71%
Wind	NW	W	W	W	W	W	W	W	N	W	W	NW	N	NW	NW	N	NE	NE	NW	NE	NE	W	W	N	NE	W	W	N
	2	6	8	1	0	8	9	2	3	9	10	3	3	7	8	5	6	6	7	2	5	5	9	1	5	7	9	1

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	09/18/2014	Start/End Time	12:30pm to 1:30pm
Date Inspection Report Written	09/18/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 145 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 80 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			Replace damaged sections of silt fence. 	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓			Ensure sediment remains less than 1/3 the height of silt fence to maintain perimeter control BMPs during grading activities.	No
Are there any areas where temporary linear sediment barriers are recommended to be installed?			✓	Silt fence and gravel bag berms have been installed around the entire perimeter of the project. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project. The adjacent creek is protected with silt fence.	No

Are storm drain inlet protection devices in working order and being properly maintained?	✓			BMPs will be installed as needed once sediment basin is constructed.	No
Are there drain inlets that require maintenance?		✓			No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓				No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓			Stockpiles are currently active and located within the site's perimeter control BMPs.	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?		✓		<p>Perform street sweeping around entrances on a daily basis. Shaker plates are installed at the entrance to the site for temporary tracking control BMPs; a stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave Entrance. Maintain tracking control BMPs by cleaning out built-up sediment from shaker plates and performing routine street sweeping. Clean up accumulated sediment from curb line and sweep up tracking.</p> 	Yes
Are all paved areas free of visible sediment tracking or other particulate matter?	✓				No
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?		✓			No

If no, are drip pans used?	✓		Staged equipment is stored with drip pans for leak protection. 	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓			No
Waste Management & Materials Pollution Control				
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓		Stockpiles of construction wastes and debris have been removed from site.	No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓			No
Are bagged and boxed materials stored on pallets?	✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓			No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓		Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓			No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓			No
Are temporary concrete washout facilities designated and being used?		✓	Concrete pouring activities are not presently occurring on site.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?		✓		No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?		✓		No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?		✓		No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓			No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓			No
Is the site free of litter?	✓			No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓			No

Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓				No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Perform daily street sweeping at entrances; sweep up tracking and accumulated sediment from around curb and entrance on Market Street.
- 2) Repair sections of damaged/uninstalled silt fence.

Field Recommendations Summary:

- 1) Ensure sediment remains within the protection of silt fence perimeter controls; remove built-up sediment as needed to maintain silt fence.

Local NOAA Weather Forecast:

Current Conditions

[En Español](#)

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NA

80°F
27°C

Humidity 61%
Wind Speed W 5 G 13 MPH
Barometer NA
Dewpoint 65°F (18°C)
Visibility NA
Heat Index 82°F (28°C)

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

Last Update on 18 Sep 1:49 pm PDT

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

TONIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY	SUNDAY NIGHT	MONDAY	MONDAY NIGHT
Chance Drizzle Low: 69 °F	Chance Drizzle High: 79 °F	Mostly Cloudy Low: 67 °F	Decreasing Clouds High: 78 °F	Mostly Cloudy Low: 67 °F	Becoming Sunny High: 79 °F	Patchy Fog Low: 69 °F	Patchy Fog High: 82 °F	Patchy Fog Low: 69 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 3pm PDT Sep 18, 2014

Custom Weather Forecast Table

	Thu Sep 18				Fri Sep 19				Sat Sep 20				Sun Sep 21				Mon Sep 22				Tue Sep 23				Wed Sep 24			
Weather	Patchy Drizzle												Patchy Fog				Patchy Fog				Patchy Fog							
Daily-Temp	High 81 Low 73				High 79 Low 69				High 78 Low 67				High 79 Low 67				High 82 Low 69				High 82 Low 69				High 81 Low 69			
Chance of Precip	0%	0%	0%	15%	15%	5%	5%	10%	10%	0%	0%	5%	5%	5%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Precip	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"												
12-hr Snow Total	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"												
FRET	0.13"				0.12"				0.12"				0.13"				0.14"				0.14"				0.13"			
6-Hour Temp	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm												
Temp	73	77	79	73	70	78	77	71	68	77	76	70	68	78	77	72	70	81	80	73	70	81	80	73	70	80	79	72
Cloudiness	80%	20%	57%	80%	95%	16%	41%	60%	78%	15%	41%	60%	78%	0%	41%	75%	75%	10%	10%	75%	75%	14%	14%	75%	75%	20%	20%	75%
Dewpoint	69	67	65	66	66	64	62	62	62	62	62	64	64	64	63	64	64	65	64	64	64	66	65	65	65	64	63	63
Relative Humidity	87%	73%	62%	79%	87%	62%	61%	75%	81%	61%	62%	79%	89%	64%	63%	76%	83%	59%	59%	74%	82%	60%	61%	77%	85%	59%	59%	75%
Wind	SW	W	W	NW	NW	W	W	NW	N	W	W	W	NW	W	W	N	NE	W	W	NW	N	W	W	NW	N	W	W	NW
	3	5	8	5	2	5	8	3	2	7	6	3	2	7	8	3	2	8	9	3	2	8	9	3	2	8	9	3

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	09/26/2014	Start/End Time	10:00am to 11:00am
Date Inspection Report Written	09/26/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 153 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection:	<input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event		
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 80 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			A small area of silt fence is not properly installed; properly trench in silt fence or install gravel bag berm to maintain perimeter control protection along the southwest side of the project. 	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓			Ensure sediment remains less than 1/3 the height of silt fence to maintain perimeter control BMPs during grading activities.	No
Are there any areas where temporary linear sediment barriers are recommended to be installed?			✓	Silt fence and gravel bag berms have been installed around the entire perimeter of the project. Gravel bag berms have been installed for additional perimeter protection in areas where silt fence became damaged or was not able to be properly trenched in due to existing conditions. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No

Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project. The adjacent creek is protected with silt fence.	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓				No
Are there drain inlets that require maintenance?		✓			No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs. Contain or remove stockpiles of rubble and construction debris. 	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓			Stockpiles are currently active and located within the site's perimeter control BMPs.	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?			✓	Sweep up small pile of sediment from entrance. 	Yes
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No

Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓			<p>Staged equipment is stored with drip pans for leak protection.</p> 	No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?		✓			No
If no, are drip pans used?	✓			<p>Drip protection is installed under equipment that is being maintained.</p> 	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No

Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?			✓	Concrete pouring activities are not presently occurring on site.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?			✓		No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?			✓		No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?			✓		No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓				No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓				No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			<p>Portable toilets have secondary containment.</p> 	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No

Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
 (Corrective actions are noted above with "Yes" in the right column)*

- 1) Repair sections of damaged/uninstalled silt fence along the southwest side of the project, or replace with gravel bag berms in areas where silt fence cannot be properly trenched, in order to maintain perimeter control protection.
 - 2) Sweep up small pile of sediment from entrance on Euclid Avenue.
-

Field Recommendations Summary:

- 1) Contain or remove stockpiles of rubble and construction debris.
- 2) Ensure sediment remains within the protection of silt fence perimeter controls; remove built-up sediment as needed to maintain silt fence.
- 3) Perform daily street sweeping at entrances.
- 4) Install a vehicle maintenance area with secondary containment; clean up any leaks or spills from maintenance activities using a spill kit and dispose of spilled/leaked materials and drip pans properly.

Local NOAA Weather Forecast:

Current Conditions

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NA
80°F
27°C

Humidity 51%
Wind Speed SW 3 G 11 MPH
Barometer NA
Dewpoint 60°F (16°C)
Visibility NA
Heat Index 81°F (27°C)
Last Update on 26 Sep 2:49 pm PDT

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

For More Weather Information:

7 Day Forecast

[San Diego, CA Local Forecast Office](#)

TONIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY	SUNDAY NIGHT	MONDAY	MONDAY NIGHT	TUESDAY	TUESDAY NIGHT
Chance Drizzle Low: 67 °F	Chance Drizzle High: 77 °F	Mostly Cloudy Low: 66 °F	Partly Sunny High: 77 °F	Mostly Cloudy Low: 66 °F	Becoming Sunny High: 80 °F	Mostly Cloudy Low: 67 °F	Becoming Sunny High: 82 °F	Increasing Clouds Low: 68 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 3pm PDT Sep 26, 2014

Custom Weather Forecast Table

	Fri Sep 26				Sat Sep 27				Sun Sep 28				Mon Sep 29				Tue Sep 30				Wed Oct 01				Thu Oct 02			
Weather	Patchy Drizzle																				Patchy Fog							
Daily-Temp	High 80 Low 70				High 77 Low 67				High 77 Low 66				High 80 Low 66				High 82 Low 67				High 82 Low 68				High 85 Low 67			
Chance of Precip	0%	5%	5%	10%	10%	5%	5%	10%	10%	0%	0%	5%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Precip	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"												
12-hr Snow Total	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"												
FRET	0.12"				0.12"				0.11"				0.11"				0.13"				0.13"				0.14"			
6-Hour Temp	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm												
Temp	70	78	78	70	68	75	76	69	67	75	76	69	67	77	78	70	68	79	80	71	69	79	80	71	68	82	83	73
Cloudiness	73%	12%	46%	67%	80%	46%	37%	68%	79%	41%	55%	83%	87%	0%	31%	75%	75%	0%	0%	75%	75%	0%	0%	67%	67%	0%	0%	0%
Dewpoint	66	67	63	63	62	62	61	61	62	63	62	62	62	64	63	63	63	64	63	63	63	66	65	62	62	64	61	58
Relative Humidity	86%	69%	60%	77%	83%	64%	60%	78%	85%	66%	62%	78%	85%	63%	59%	77%	84%	60%	55%	74%	81%	63%	59%	75%	82%	55%	47%	59%
Wind	NW	SW	W	W	W	SW	W	W	SE	S	SW	W	NE	NW	NW	N	NE	W	W	SE	E	W	W	NW	E	W	W	E
Snow Level (ft)	2	6	8	6	2	5	8	2	3	5	8	2	2	6	8	5	2	6	8	2	3	7	8	0	5	6	9	1

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	10/01/2014	Start/End Time	1:00pm to 2:00pm
Date Inspection Report Written	10/01/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 158 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 77 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Silt fence perimeter protection has been maintained where needed. 	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓			Ensure sediment remains less than 1/3 the height of silt fence to maintain perimeter control BMPs during grading activities.	No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Silt fence and gravel bag berms have been installed around the entire perimeter of the project. Gravel bag berms have been installed for additional perimeter protection in areas where necessary.	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project.	No

Are storm drain inlet protection devices in working order and being properly maintained?	✓		The adjacent creek is protected with silt fence. 	No
Are there drain inlets that require maintenance?		✓		No
Stockpiles				
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓		Stockpiles are located with the project's limits and perimeter control BMPs. Contain or remove stockpiles of rubble and construction debris.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓		Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓		Stockpiles are currently active and located within the site's perimeter control BMPs. Fiber roll slope protection has been installed around large stockpile for erosion control protection. 	No
Tracking Control				
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓		Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No
Wind Erosion Control				
Is dust control implemented on site?	✓		Water trucks are on site performing frequent dust control.	No

Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?		✓		<p>Staged equipment is stored with drip pans for leak protection. Leaking equipment observed with drip pan not containing all spills. Clean up spilled material and maintain drip protection.</p> 	Yes
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?		✓			No
If no, are drip pans used?		✓		<p>Drip protection is installed under equipment that was being maintained previously.</p> 	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?		✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?		✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?		✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?		✓			No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?		✓			No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?		✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?		✓			No
Are bagged and boxed materials stored on pallets?		✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?		✓			No

Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓				No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?		✓		Clean up concrete wastes and washout spills from around ground and contain within designated washout facility. 	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓				No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No

Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Install additional drip protection under leaking piece of equipment.
- 2) Clean up all leaks using a spill kit and contain or dispose of contaminated material properly.
- 3) Clean up concrete waste from around ground and contain within designated washout facility; ensure designated washout facilities are adequate and free of any leaks/spills.

Field Recommendations Summary:

- 1) Contain or remove stockpiles of rubble and construction debris.
- 2) Clean up and contain wastes and washout spills from concrete, mortar, and cement mixing or pouring activities.
- 3) Perform daily street sweeping at entrances.
- 4) Install a vehicle maintenance area with secondary containment; clean up any leaks or spills from maintenance activities using a spill kit and dispose of spilled/leaked materials and drip pans properly.

Local NOAA Weather Forecast:

Current Conditions

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NA

77°F

25°C

Humidity 60%
 Wind Speed SSW 5 G 12 MPH
 Barometer NA
 Dewpoint 62°F (17°C)
 Visibility NA
 Heat Index 79°F (26°C)

Last Update on 01 Oct 1:49 pm PDT

Current conditions at
San Diego City Heights (SDCHT)
 Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

2 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

THIS AFTERNOON	TONIGHT	THURSDAY	THURSDAY NIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY
								
Sunny	Patchy Fog	Sunny	Clear	Sunny	Mostly Clear	Sunny	Mostly Clear	Sunny
High: 77 °F	Low: 64 °F	High: 87 °F	Low: 66 °F	High: 94 °F	Low: 66 °F	High: 91 °F	Low: 68 °F	High: 89 °F

Forecast For Lat/Lon: 32.7070/-117.0690 (Elev. 226 ft)
 2 Miles WNW San Diego-Paradise Hills CA
 Forecast Created at: 2pm PDT Oct 1, 2014

Custom Weather Forecast Table

Weather	Wed Oct 01				Thu Oct 02				Fri Oct 03				Sat Oct 04				Sun Oct 05				Mon Oct 06				Tue Oct 07							
	Patchy Fog			Patchy Fog																	Patchy Fog											
Daily-Temp	High 77 Low 65				High 87 Low 64				High 94 Low 66				High 91 Low 66				High 89 Low 68				High 85 Low 67				High 83 Low 66							
Chance of Precip	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Precip	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"																
12-hr Snow Total	0"			0"	0"			0"	0"			0"	0"			0"																
FRET	0.10"				0.15"				0.16"				0.18"				0.20"				0.18"				0.18"							
6-Hour Temp	5am 66	11am 71	5pm 73	11pm 68	5am 64	11am 83	5pm 83	11pm 72	5am 67	11am 89	5pm 89	11pm 73	5am 67	11am 88	5pm 87	11pm 73	5am 69	11am 88	5pm 86	11pm 74	5am 68	11am 83	5pm 83	11pm 72	5am 67	11am 81	5pm 81	11pm 71				
Cloudiness	93%	10%	45%	68%	32%	0%	0%	3%	7%	10%	8%	10%	7%	14%	16%	16%	16%	16%	16%	14%	14%	2%	2%	54%	54%	3%	3%	75%				
Dewpoint	60	60	59	56	53	45	40	43	46	32	26	31	38	38	38	42	45	45	46	50	52	50	49	51	52	50	48	51				
Relative Humidity	90%	67%	61%	65%	66%	26%	22%	35%	47%	13%	10%	21%	35%	17%	18%	32%	41%	22%	25%	43%	58%	33%	31%	48%	60%	34%	32%	48%				
Wind	SW 2	SW 3	SW 7	SW 2	SW 1	W 3	NW 7	S 1	E 1	NW 5	NW 5	SW 1	E 2	W 5	W 8	E 3	E 5	W 7	W 7	E 3	E 5	W 7	W 8	E 5	E 5	W 8	W 9	E 3				

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	10/07/2014	Start/End Time	12:30pm to 1:30pm
Date Inspection Report Written	10/07/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 163 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection:	<input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event		
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 90 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Silt fence perimeter protection has been maintained where needed.	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓			Ensure sediment remains less than 1/3 the height of silt fence to maintain perimeter control BMPs during grading activities.	No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Silt fence and gravel bag berms have been installed around the entire perimeter of the project. Gravel bag berms have been installed for additional perimeter protection in areas where necessary. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project.	No

Are storm drain inlet protection devices in working order and being properly maintained?	✓		The adjacent creek is protected with silt fence. 	No
Are there drain inlets that require maintenance?		✓		No
Stockpiles				
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓		Stockpiles are located with the project's limits and perimeter control BMPs. Contain or remove stockpiles of rubble and construction debris.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓		Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓		Stockpiles are currently active and located within the site's perimeter control BMPs. Stockpile has been compacted and trackwalked and fiber roll slope protection has been installed around large stockpile for temporary erosion control protection. 	No
Tracking Control				
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓		Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No
Wind Erosion Control				
Is dust control implemented on site?	✓		Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations				
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓	No
Is required treatment provided for dewatering effluent?			✓	No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓	No

Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?		✓	<p>Staged equipment is stored with drip pans for leak protection. Leaking equipment observed with drip pan not containing all spills. Clean up spilled material and maintain drip protection.</p> 	Yes
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?		✓		No
If no, are drip pans used?	✓		Drip protection is installed under equipment that was being maintained previously.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓			No
Waste Management & Materials Pollution Control				
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓			No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓			No
Are bagged and boxed materials stored on pallets?	✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓			No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓		Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓			No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓			No
Are temporary concrete washout facilities designated and being used?	✓			No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓			No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓			No

Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓		<p>Replace concrete washout with torn plastic lining. Clean up concrete washout spills and contain washout materials into designated washout facilities with secondary containment.</p> 	Yes
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓		<p>Clean up concrete wastes and washout spills from around ground and contain within designated washout facility.</p> 	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓			No
Is the site free of litter?	✓			No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓			No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓			No
Are waste management receptacles free of leaks?	✓			No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			No
Are waste management receptacles filled at or beyond capacity?		✓		No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓		Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation				
Are the subcontractor's contact information documented in the SWPPP?	✓			No
Is General Contractor training certificates documented in the SWPPP?	✓			No
Is the Wall Map completed and accurate to the site conditions?	✓			No
Are SWPPP Amendments updated and documented?	✓			No
Are weekly inspection reports completed?	✓			No
Are weekly inspection reports factual based on observed conditions?	✓			No
Are pre-, during, and post-storm inspection reports completed?	✓			No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓			No

Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Install additional drip protection under leaking piece of equipment.
- 2) Clean up all leaks using a spill kit and contain or dispose of contaminated material properly.
- 3) Clean up concrete washout spills and waste from around ground and contain within designated washout facility; ensure designated washout facilities are adequate and free of any leaks/spills.
- 4) Replace torn plastic-lined concrete washout and clean up any concrete washout spills; washout concrete into adequate concrete washout facility with secondary containment.

Field Recommendations Summary:

- 1) Contain or remove stockpiles of rubble and construction debris.
- 2) Clean up and contain wastes and washout spills from concrete, mortar, and cement mixing or pouring activities.
- 3) Perform daily street sweeping at entrances.
- 4) Install a vehicle maintenance area with secondary containment; clean up any leaks or spills from maintenance activities using a spill kit and dispose of spilled/leaked materials and drip pans properly.

Local NOAA Weather Forecast:

Current Conditions

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NA
90°F
 32°C

Humidity 19%
 Wind Speed SW 2 G 8 MPH
 Barometer NA
 Dewpoint 42°F (6°C)
 Visibility NA
 Heat Index 86°F (30°C)
 Last Update on 07 Oct 1:49 pm PDT

Current conditions at
San Diego City Heights (SDCHT)
 Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

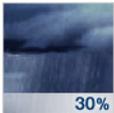
[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles SSE San Diego-City Heights CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

THIS AFTERNOON	TONIGHT	WEDNESDAY	WEDNESDAY NIGHT	THURSDAY	THURSDAY NIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY
								
40%	30%	20%						
Scattered Showers High: 81 °F	Scattered Showers Low: 70 °F	Slight Chc Showers High: 81 °F	Patchy Fog Low: 67 °F	Patchy Fog High: 79 °F	Patchy Fog Low: 64 °F	Patchy Fog High: 79 °F	Patchy Fog Low: 65 °F	Patchy Fog High: 81 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
 3 Miles SSE San Diego-City Heights CA
 Forecast Created at: 2pm PDT Oct 7, 2014

	Tue Oct 07				Wed Oct 08				Thu Oct 09				Fri Oct 10				Sat Oct 11				Sun Oct 12				Mon Oct 13			
Weather	Scattered Rain Showers		Scattered Rain Showers and TStorms		Slight Chance Rain Showers		Patchy Fog		Patchy Fog		Patchy Fog		Patchy Fog															
Daily-Temp	High 81 Low 70		High 81 Low 70		High 81 Low 70		High 79 Low 67		High 79 Low 67		High 79 Low 64		High 79 Low 64		High 81 Low 65		High 83 Low 65		High 83 Low 65		High 85 Low 65							
Chance of Precip	40%	40%	25%	10%	15%	15%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Precip	0.06"	0.04"	0.00"	0.00"	0.00"	0.01"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"
12-hr Snow Total	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"
FRET	0.11"		0.11"		0.10"		0.10"		0.10"		0.10"		0.10"		0.11"		0.13"		0.13"		0.14"		0.14"		0.14"		0.14"	
6-Hour Temp	5am 70	11am 81	5pm 81	11pm 74	5am 71	11am 80	5pm 81	11pm 72	5am 68	11am 78	5pm 79	11pm 70	5am 65	11am 78	5pm 79	11pm 70	5am 66	11am 80	5pm 81	11pm 71	5am 66	11am 81	5pm 83	11pm 72	5am 66	11am 83	5pm 85	11pm 85
Cloudiness	79%	78%	85%	62%	64%	77%	50%	48%	82%	11%	9%	93%	93%	9%	9%	82%	82%	7%	7%	11%	11%	6%	6%	7%	7%	5%	5%	5%
Dewpoint	57	47	55	64	62	59	62	68	65	64	66	66	61	62	64	64	60	60	63	64	59	58	61	62	57	56	59	59
Relative Humidity	64%	29%	41%	71%	73%	49%	53%	88%	90%	63%	66%	87%	87%	58%	60%	81%	81%	52%	55%	79%	79%	45%	47%	72%	71%	39%	42%	
Wind	E 2	SW 5	W 7	W 0	W 2	W 3	W 6	W 2	S 1	SW 6	SW 5	SW 1	SW 1	W 6	W 7	NW 1	S 1	W 7	W 7	NW 2	S 1	W 8	W 7	W 2	S 2	W 7	W 8	

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	10/16/2014	Start/End Time	12:30am to 12:30pm
Date Inspection Report Written	10/16/2014		
Inspector's Name (s)	Donald Sturgeon		
Inspector's Title(s)	Project Manager		
Inspector's Signature			
Inspector's Contact Information	858-652-9390		
Inspector's Qualifications	QSD #113		
Describe present phase of construction	Grading, Vertical Construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 171 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 75 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Silt fence perimeter protection has been maintained where needed.	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓			Ensure sediment remains less than 1/3 the height of silt fence to maintain perimeter control BMPs during grading activities.	No
Are there any areas where temporary linear sediment barriers are recommended to be installed?			✓	Silt fence and gravel bag berms have been installed around the entire perimeter of the project. Gravel bag berms have been installed for additional perimeter protection in areas where necessary. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project.	No

Are storm drain inlet protection devices in working order and being properly maintained?	✓		<p>The adjacent creek is protected with silt fence.</p> 	No
Are there drain inlets that require maintenance?		✓		No
Stockpiles				
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓		<p>Stockpiles are located within the project's limits and perimeter control BMPs. Contain or remove stockpiles of rubble and construction debris.</p>	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓		<p>Dust control is performed frequently on stockpiles to prevent wind erosion.</p>	No
Are required covers and/or perimeter controls in place?	✓		<p>Stockpiles are currently active and located within the site's perimeter control BMPs. Fiber roll slope protection has been installed around large stockpile for erosion control protection.</p> 	No
Tracking Control				
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓		<p>Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance.</p> 	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No
Wind Erosion Control				
Is dust control implemented on site?	✓		<p>Water trucks are on site performing frequent dust control.</p>	No
Dewatering and Hydrostatic Operations				
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓	No
Is required treatment provided for dewatering effluent?			✓	No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓	No

Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?		✓	<p>Staged equipment is stored with drip pans for leak protection. Leaking equipment observed with drip pan not containing all spills. Clean up spilled material, maintain drip protection and dispose of hazardous waste.</p> 	Yes
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?		✓		No
If no, are drip pans used?	✓		Drip protection is installed under equipment that was being maintained previously.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓			No
Waste Management & Materials Pollution Control				
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓			No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓			No
Are bagged and boxed materials stored on pallets?	✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓			No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓		Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓			No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓			No
Are temporary concrete washout facilities designated and being used?	✓			No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓			No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓			No

Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓		<p>Replace concrete washout with torn plastic lining. Clean up concrete washout spills and contain washout materials into designated washout facilities with secondary containment.</p> 	Yes
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓		<p>Clean up concrete wastes and washout spills from around ground and contain within designated washout facility.</p> 	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓		<p>Clean up drips and spill for onsite equipment. It is recommended that maintenance be performed in a designated area with an impervious surface. And secondary containment.</p>	Yes
Is the site free of litter?	✓			No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓			No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓			No
Are waste management receptacles free of leaks?	✓			No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			No
Are waste management receptacles filled at or beyond capacity?		✓		No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓		<p>Portable toilets have secondary containment.</p> 	No
Storm Water Pollution Prevention Plan Documentation				
Are the subcontractor's contact information documented in the SWPPP?	✓			No
Is General Contractor training certificates documented in the SWPPP?	✓			No
Is the Wall Map completed and accurate to the site conditions?	✓			No

Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Install additional drip protection under leaking equipment and remove or properly protect oil and other hazardous waste.
 - 2) Clean up all leaks using a spill kit and contain or dispose of contaminated material properly.
 - 3) Clean up concrete washout spills and concrete waste from around ground and contain within designated facilities; ensure designated washout facilities are adequate and free of any leaks/spills.
 - 4) Replace torn plastic-lined concrete washout and clean up any concrete washout spills; washout concrete into adequate concrete washout facility with secondary containment.
-

Outstanding Corrective Actions Summary:

- 1) Install additional drip protection under leaking piece of equipment.
 - 2) Clean up all leaks using a spill kit and contain or dispose of contaminated material properly.
 - 3) Clean up concrete washout spills and waste from around ground and contain within designated washout facility; ensure designated washout facilities are adequate and free of any leaks/spills.
 - 4) Replace torn plastic-lined concrete washout and clean up any concrete washout spills; washout concrete into adequate concrete washout facility with secondary containment.
-

Field Recommendations Summary:

- 1) Contain or remove stockpiles of rubble and construction debris.
- 2) Clean up and contain wastes and washout spills from concrete, mortar, and cement mixing or pouring activities.
- 3) Perform daily street sweeping at entrances.
- 4) Install a vehicle maintenance area with secondary containment; clean up any leaks or spills from maintenance activities using a spill kit and dispose of spilled/leaked materials and drip pans properly.

Local NOAA Weather Forecast:



NATIONAL WEATHER SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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Local forecast by "City, St" or ZIP code

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Tropical Storm Ana threatening Hawaii

Tropical Storm Ana, currently located about 500 miles southeast of Hilo, Hawaii, is moving westward at about 10 mph, with maximum sustained winds near 60 mph. The current track takes the center of Ana just south and west of the Big Island Friday night and Saturday, then near Oahu and Kauai over the weekend. A Tropical Storm Watch is in effect for the Big Island.

[Read More...](#)

Current Conditions

En Español

NA

69°F

21°C

Humidity 74%

Wind Speed NA

Barometer NA

Dewpoint 60°F (16°C)

Visibility NA

Last Update on 16 Oct 6:49 pm PDT

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

For More Weather Information:
[San Diego, CA Local Forecast Office](#)

7 Day Forecast

TONIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY	SUNDAY NIGHT	MONDAY	MONDAY NIGHT
								
10%	10%							
Isolated Showers Low: 64 °F	Slight Chc Showers High: 73 °F	Increasing Clouds Low: 62 °F	Mostly Cloudy High: 74 °F	Mostly Cloudy Low: 62 °F	Mostly Cloudy High: 74 °F	Cloudy Low: 63 °F	Decreasing Clouds High: 73 °F	Increasing Clouds Low: 62 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
 3 Miles WNW San Diego-Paradise Hills CA
 Forecast Created at: 7pm PDT Oct 16, 2014
Custom Weather Forecast Table

	Thu Oct 16				Fri Oct 17				Sat Oct 18				Sun Oct 19				Mon Oct 20				Tue Oct 21				Wed Oct 22			
Weather	Isolated Rain Showers				Slight Chance Rain Showers																Patchy Fog							
Daily-Temp	High 76 Low 65				High 73 Low 64				High 74 Low 62				High 74 Low 62				High 73 Low 63				High 73 Low 62				High 77 Low 61			
Chance of Precip	5%	0%	0%	10%	10%	10%	10%	15%	15%	5%	5%	5%	5%	0%	0%	5%	5%	5%	5%	5%	5%	5%	5%	0%	0%	0%	0%	0%
Precip	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"												
12-hr Snow Total	0"				0"				0"				0"															
FRET	0.10"				0.09"				0.09"				0.07"				0.08"				0.09"				0.10"			
6-Hour Temp	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm
Temp	65	72	73	67	65	70	71	65	62	70	71	65	63	70	72	66	63	70	71	65	62	69	70	64	62	72	74	65
Cloudiness	97%	17%	36%	65%	96%	57%	38%	95%	92%	52%	63%	97%	97%	57%	76%	96%	96%	43%	43%	96%	96%	48%	48%	66%	66%	7%	7%	9%
Dewpoint	57	59	60	61	59	59	59	59	58	59	61	60	59	61	62	61	60	60	61	60	59	58	58	58	58	58	57	53
Relative Humidity	76%	63%	64%	81%	83%	67%	67%	82%	84%	69%	69%	86%	88%	72%	72%	86%	88%	72%	71%	86%	87%	67%	65%	81%	82%	62%	57%	64%
Wind	E	W	W	W	NW	W	W	NW	N	W	W	N	NE	W	W	NW	N	W	NW	NW	N	W	W	N	E	NW	NW	E
	3	2	7	3	1	3	8	5	3	3	8	2	2	5	8	2	2	7	10	3	3	7	10	2	5	6	3	7

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	10/23/2014	Start/End Time	11:30am to 12:30pm
Date Inspection Report Written	10/23/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 179 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 80 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Maintain perimeter control BMPs as needed if damage occurs.	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Silt fence and gravel bag berms have been installed around the entire perimeter of the project. Gravel bag berms have been installed for additional perimeter protection in areas where necessary. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			There are no storm drain inlets internal to the project.	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			The adjacent creek is protected with silt fence. 	No

Are there drain inlets that require maintenance?		✓			No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs. Contain or remove stockpiles of rubble and construction debris when it becomes inactive. 	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓			Stockpiles are currently active and located within the site's perimeter control BMPs. Fiber roll slope protection has been installed around large stockpile for erosion control protection until it can be hydroseeded. 	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No tracking observed during this inspection.	No
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No

Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓		<p>Staged equipment is stored with drip pans for leak protection. Spills have been cleaned up and contained; maintenance materials are being stored covered while they remain on site.</p> 	No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓		<p>A vehicle maintenance area has been implemented with visqueen and fiber rolls for secondary containment.</p> 	No
If no, are drip pans used?	✓		Drip protection is installed under equipment that was being maintained previously.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓			No
Waste Management & Materials Pollution Control				
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓			No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓			No
Are bagged and boxed materials stored on pallets?	✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓			No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓		Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓			No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓			No

Are temporary concrete washout facilities designated and being used?	✓			Concrete washout spills have been cleaned up from ground and contain within designated facility or removed from site.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓			Continue to clean up any concrete wastes and washout spills from around ground and contain within designated washout facility. 	No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Dumpsters stored covered when not in use. 	No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No

Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
 (Corrective actions are noted above with "Yes" in the right column)*

- 1) Corrective actions have been completed: contaminated/leaky materials have been contained and covered and an adequate vehicle maintenance area lined with visqueen and protected with fiber rolls has been implemented; concrete washout spills and leaking washout facility have been cleaned up and removed from site, concrete waste is being cleaned up and contained within designated facility. There are no additional corrective actions required at this time.

Field Recommendations Summary:

- 1) Contain or remove stockpiles of rubble and construction debris.
- 2) Clean up and contain wastes and washout spills from concrete, mortar, and cement mixing or pouring activities.
- 3) Perform daily street sweeping at entrances.
- 4) Maintain silt fence/gravel bags berm perimeter protection BMPs as necessary.

Local NOAA Weather Forecast:

Current Conditions

[En Español](#)

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NA
80°F
27°C

Humidity 39%
Wind Speed WSW 2 G 8 MPH
Barometer NA
Dewpoint 53°F (12°C)
Visibility NA
Heat Index 80°F (27°C)
Last Update on 23 Oct 11:49 am PDT

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)



Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA

Forecast Created at: 1pm PDT Oct 23, 2014

Custom Weather Forecast Table

	Thu Oct 23				Fri Oct 24				Sat Oct 25				Sun Oct 26				Mon Oct 27				Tue Oct 28				Wed Oct 29			
Weather	Patchy Fog				Patchy Fog				Patchy Drizzle																			
Daily-Temp	High 81 Low 63				High 80 Low 61				High 75 Low 63				High 72 Low 65				High 73 Low 65				High 77 Low 64				High 80 Low 63			
Chance of Precip	0% 0% 0% 0%				0% 0% 0% 0%				0% 5% 5% 10%				10% 0% 0% 0%				0% 0% 0% 0%				0% 0% 0% 0%				0% 0% 0% 0%			
Precip	0.00" 0.00" 0.00" 0.00"				0.00" 0.00" 0.00" 0.00"				0.00" 0.00" 0.00" 0.00"				0.00" 0.00"															
12-hr Snow Total	0" 0"				0" 0"				0" 0"				0" 0"															
FRET	0.10"				0.09"				0.09"				0.09"				0.10"				0.11"				0.12"			
6-Hour Temp	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm
Temp	64	78	77	66	62	76	76	68	64	73	73	68	66	71	71	67	65	71	71	66	64	74	74	67	64	77	77	68
Cloudiness	44%	11%	14%	29%	18%	9%	10%	29%	40%	33%	63%	86%	89%	33%	33%	85%	85%	18%	18%	98%	98%	12%	12%	98%	98%	7%	7%	98%
Dewpoint	58	63	55	56	57	55	58	59	59	59	62	61	58	62	56	56	56	56	57	57	56	57	56	54	51	55	52	52
Relative Humidity	80%	61%	48%	69%	84%	48%	54%	73%	84%	62%	68%	79%	77%	73%	61%	68%	72%	58%	62%	71%	73%	55%	53%	64%	64%	47%	43%	56%
Wind	NW	W	SW	SW	S	SW	SW	SW	S	SW	W	W	SW	S	SW	S	SE	W	W	E	E	SW	W	NE	E	W	W	E
	2	3	6	1	0	3	5	1	1	7	7	3	6	6	5	2	5	7	8	3	5	8	7	2	3	8	8	3

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	10/30/2014	Start/End Time	11:30am to 1:00pm
Date Inspection Report Written	10/30/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 186 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 77 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?			✓	Site is active; temporary stabilization is not required at this time.	No
Are there any non-vegetated areas that may require temporary soil stabilization?			✓		No
Is erosion observed at the area where temporary soil stabilization is required?			✓		No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site; gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			Maintain perimeter control BMPs if damage occurs and where it has been removed for trenching purposes. 	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?			✓	Fiber rolls are presently being installed around recently poured brow ditches. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?		✓		Storm drains have recently been constructed; BMPs will be installed Friday 10/31/14 .	Yes
Are storm drain inlet protection devices in working order and being properly maintained?	✓			The adjacent creek is protected with silt fence. Newly installed storm drain inlets will be protected with BMPs tomorrow.	No

Are there drain inlets that require maintenance?	✓			Install gravel bag storm drain inlet protection around inlets directly outside the project limits as well as newly created storm drain inlets inside of the site.	No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion. Fiber roll slope protection has been installed around large stockpile for erosion control protection. 	No
Are required covers and/or perimeter controls in place?		✓		Contain and cover or remove stockpiles of rubble and construction debris. 	Yes
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No tracking observed during this inspection.	No
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No

Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓		Spills have been cleaned up and contained; maintenance materials are being stored covered while they remain on site. 	No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓		A vehicle maintenance area has been implemented with visqueen and fiber rolls for secondary containment. 	No
If no, are drip pans used?	✓		Drip protection is installed under equipment that was being maintained previously.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓			No
Waste Management & Materials Pollution Control				
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓		Clean up and contain concrete washout spills form ground. 	Yes
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓			No
Are bagged and boxed materials stored on pallets?	✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓			No

Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Clean up concrete washout spills from ground and contain within designated facilities. 	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?		✓		Clean up all excess concrete wastes, slurry, and washout spills from around ground and contain within designated washout facility. 	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Dumpsters stored covered when not in use. 	No
Are waste management receptacles filled at or beyond capacity?		✓			No

Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Install gravel bag storm drain inlet protection around newly constructed inlets within the project limits, as well as, the inlets adjacent to project on Market and Euclid.
- 2) Contain and cover or remove stockpiles of rubble and construction debris.
- 3) Clean up concrete wastes and washout spills from around the site and along the newly poured brow ditches and contain within designated concrete washout facilities.
- 4) Maintain silt fence/gravel bags berm perimeter protection BMPs where they have been damaged or removed along active trenching locations.

Field Recommendations Summary:

- 5) Perform daily street sweeping at entrances.
- 6) Maintain perimeter protection BMPs as necessary.

Local NOAA Weather Forecast:

Current Conditions

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NA
77°F
25°C

Humidity 51%
Wind Speed SSW 4 G 11 MPH
Barometer NA
Dewpoint 58°F (14°C)
Visibility NA
Heat Index 79°F (26°C)
Last Update on 30 Oct 1:49 pm PDT

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

THIS AFTERNOON	TONIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY	SUNDAY NIGHT	MONDAY
Partly Sunny High: 75 °F	Mostly Cloudy Low: 63 °F	Chance Drizzle High: 71 °F	Showers Likely Low: 63 °F	Showers Likely High: 68 °F	Slight Chc Showers Low: 59 °F	Sunny High: 69 °F	Mostly Clear Low: 55 °F	Sunny High: 73 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 2pm PDT Oct 30, 2014

Custom Weather Forecast Table

	Thu Oct 30				Fri Oct 31				Sat Nov 01				Sun Nov 02				Mon Nov 03				Tue Nov 04				Wed Nov 05			
Weather	Patchy Fog				Patchy Drizzle				Likely Rain Showers				Likely Rain Showers				Slight Chance Rain Showers											
Daily-Temp	High 75 Low 62				High 71 Low 63				High 68 Low 63				High 69 Low 59				High 73 Low 55				High 77 Low 56				High 81 Low 59			
Chance of Precip	0%	0%	0%	5%	5%	5%	15%	65%	60%	20%	20%	10%	10%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Precip	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.04"	0.06"	0.01"	0.01"	0.00"	0.00"	0.00"	0.00"													
12-hr Snow Total	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"												
FRET	0.08"				0.07"				0.09"				0.10"				0.13"				0.15"				0.18"			
6-Hour Temp	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm	5am	11am	5pm	11pm
Temp	63	73	74	67	64	70	70	66	64	67	67	62	60	68	67	60	56	70	71	62	57	74	75	66	60	78	79	79
Cloudiness	77%	53%	54%	100%	100%	54%	78%	95%	91%	65%	55%	47%	35%	10%	10%	15%	15%	15%	15%	10%	10%	6%	6%	5%	5%	14%	14%	14%
Dewpoint	54	57	60	63	60	60	61	60	58	56	56	55	52	53	53	51	47	47	48	46	42	43	45	44	40	40	43	43
Relative Humidity	72%	57%	62%	84%	86%	71%	72%	80%	80%	67%	68%	76%	77%	59%	60%	71%	71%	44%	44%	56%	56%	33%	34%	45%	46%	26%	28%	28%
Wind	NE	SW	W	SW	W	SW	SW	S	W	W	W	NW	E	W	NW	N	NE	N	NW	N	N	NE	N	E	NE	E	NE	NE
Snow Level (ft)	2	3	6	2	2	3	6	9	10	10	9	5	5	5	8	7	7	5	9	7	7	5	8	8	7	7	7	8

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	11/06/2014	Start/End Time	9:30am to 10:30am
Date Inspection Report Written	11/06/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 5 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in): 11/01/14 12:00am 24 hours 0.33"			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 83 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active; large stockpile has become active again. 	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?		✓			No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Gravel bag berms have been installed along areas that have existing asphalt. 	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Fiber rolls are being installed around recently poured brow ditches. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No

Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have filter fabric and gravel bag BMPs. 	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			The adjacent creek is protected with silt fence. Newly installed storm drain inlets will be protected with BMPs tomorrow.	No
Are there drain inlets that require maintenance?		✓			No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓			Stockpiles of rubble and construction debris have been removed from site. Fiber roll slope protection has been installed around large stockpile for erosion control protection which has become active again. Inactive stockpile stored covered. 	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. A stabilized construction entrance with rock and shaker plates has been installed at Euclid Ave entrance. Street sweeping and maintenance of tracking controls was occurring during this inspection. 	No

Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No tracking observed during this inspection. 	No
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓			Leaking equipment has been removed from site; all spills, leaks, and contaminated material has been cleaned up and disposed of properly off-site.	No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓				No
If no, are drip pans used?	✓			Drip protection is installed under staged equipment.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No

Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Concrete washout facilities are being used. 	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓			Continue to clean up all excess concrete wastes, slurry, and washout spills from around ground and contain within designated washout facility.	No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Dumpsters stored covered when not in use.	No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No

Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
 (Corrective actions are noted above with "Yes" in the right column)*

- 1) No additional corrective actions required at this time; BMPs have been maintained where required.



Field Recommendations Summary:

- 2) Perform daily street sweeping at entrances.
- 3) Maintain perimeter protection BMPs as necessary.
- 4) Clean up and concrete washout spills and concrete wastes from ground and contain within designated washout facilities.

Local NOAA Weather Forecast:

Current Conditions

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NA
83°F
28°C

Humidity 13%
Wind Speed WNW 6 G 10 MPH
Barometer NA
Dewpoint 27°F (-3°C)
Visibility NA
Heat Index 80°F (27°C)
Last Update on 06 Nov 3:49 pm PST

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)



Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA

Forecast Created at: 4pm PST Nov 6, 2014

Custom Weather Forecast Table

	Thu Nov 06				Fri Nov 07				Sat Nov 08				Sun Nov 09				Mon Nov 10				Tue Nov 11				Wed Nov 12			
Weather																					Patchy Fog							
Daily-Temp	High 88 Low 54				High 84 Low 55				High 81 Low 57				High 77 Low 58				High 75 Low 56				High 73 Low 56				High 73 Low 55			
Chance of Precip	0%																				0%							
Precip	0.00"																				0.00"							
12-hr Snow Total	0"																				0"							
FRET	0.14"				0.14"				0.09"				0.09"				0.09"				0.08"				0.08"			
6-Hour Temp	4am	10am	4pm	10pm																								
Temp	55	81	84	67	56	77	81	67	58	76	78	66	59	73	74	64	57	71	73	63	57	69	71	62	56	69	71	61
Cloudiness	0%	3%	5%	3%	3%	3%	5%	3%	3%	2%	3%	11%	8%	5%	5%	8%	8%	7%	7%	34%	34%	13%	13%	52%	52%	7%	7%	9%
Dewpoint	29	28	25	40	37	23	27	44	43	37	40	49	48	43	45	51	49	51	54	54	51	55	56	54	50	55	57	54
Relative Humidity	38%	14%	12%	38%	49%	13%	14%	44%	57%	24%	26%	54%	67%	34%	35%	63%	74%	50%	51%	72%	81%	60%	60%	76%	82%	62%	62%	77%
Wind	E	N	NW	E	NE	N	NW	E	NE	W	W	S	NE	W	W	S	E	W	W	S	E	SW	W	SE	E	W	W	E
	6	2	6	2	5	2	6	0	2	5	3	0	1	3	5	1	2	3	6	2	3	5	7	1	2	5	8	2

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	11/20/2014	Start/End Time	12:30pm to 1:30pm
Date Inspection Report Written	11/20/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 19 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other:			
Temperature: 69 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active; fiber roll slope protection is installed around large stockpile for temporary stabilization while it is inactive.	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?		✓			No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed as sediment control BMPs around the perimeter of the site. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓			No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Gravel bag berms have been installed along areas that have existing asphalt. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have filter fabric and gravel bag BMPs. 	No

Are storm drain inlet protection devices in working order and being properly maintained?	✓		Fiber rolls have been installed around recently poured brow ditches. 	No
Are there drain inlets that require maintenance?		✓		No
Stockpiles				
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓		Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓		Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓		Stockpiles of rubble and construction debris have been removed from site. Fiber roll slope protection has been installed around large stockpile for temporary stabilization and erosion control protection. 	No
Tracking Control				
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓		Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed. 	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓		No tracking observed during this inspection. Perform street sweeping as needed on Euclid. 	No
Wind Erosion Control				
Is dust control implemented on site?	✓		Water trucks are on site performing frequent dust control.	No

Dewatering and Hydrostatic Operations				
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓	No
Is required treatment provided for dewatering effluent?			✓	No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓	No
Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓			No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓			No
If no, are drip pans used?	✓		Drip protection is installed under staged equipment.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓			No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓			No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓			No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓			No
Waste Management & Materials Pollution Control				
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓			No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓			No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓			No
Are bagged and boxed materials stored on pallets?	✓			No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓			No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓		Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓			No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓			No
Are temporary concrete washout facilities designated and being used?	✓		Concrete washout facilities are being used. Clean up washout spills and concrete wastes from ground and contain within washout facilities. 	No

Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?		✓		Clean up concrete washout spills from ground and contain within designated washout facility. 	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Dumpsters stored covered when not in use.	No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No

Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
 (Corrective actions are noted above with "Yes" in the right column)

- 1) Clean up and concrete washout spills and concrete wastes from ground and contain within designated washout facilities.

Field Recommendations Summary:

- 1) Perform daily street sweeping at entrances.
- 2) Maintain perimeter protection BMPs as necessary.

Local NOAA Weather Forecast:

Current Conditions

En Español

NA

69°F

21°C

Humidity 63%

Wind Speed WSW 3 G 10 MPH

Barometer NA

Dewpoint 56°F (13°C)

Visibility NA

Last Update on 20 Nov 2:49 pm PST

Current conditions at
San Diego City Heights (SDCHT)
 Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

LATE AFTERNOON	TONIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY	SUNDAY NIGHT	MONDAY
30%	40%	50%	0%	0%	0%	0%	0%	0%
Scattered Showers High: 71 °F	Scattered Showers Low: 57 °F	Chance Showers High: 68 °F	Partly Cloudy Low: 52 °F	Mostly Sunny High: 69 °F	Increasing Clouds Low: 56 °F	Gradual Clearing High: 71 °F	Mostly Clear Low: 52 °F	Sunny High: 77 °F

For More Weather Information:
[San Diego, CA Local Forecast Office](#)

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
 Forecast Created at: 4pm PST Nov 20, 2014

	Thu Nov 20	Fri Nov 21	Sat Nov 22	Sun Nov 23	Mon Nov 24	Tue Nov 25	Wed Nov 26
Weather	Scattered Rain Showers	Chance Rain Showers	Slight Chance Rain Showers				
Daily-Temp	High 71 Low 55	High 68 Low 57	High 69 Low 52	High 71 Low 56	High 77 Low 52	High 79 Low 53	High 77 Low 54
Chance of Precip	10% 5% 30% 35%	50% 20% 0% 0%	0% 5% 5% 5%	5% 0% 0% 0%	0% 0% 0% 0%	0% 0% 0% 0%	0% 0% 0% 10%
Precip	0.00" 0.00" 0.01" 0.02"	0.01"	0.00" 0.00"	0.00" 0.00" 0.00"	0.00" 0.00" 0.00"		
12-hr Snow Total	0" 0"	0"	0"	0"	0"		
FRET	0.07"	0.06"	0.07"	0.09"	0.16"	0.23"	0.18"
6-Hour Temp	4am 10am 4pm 10pm 56 67 69 62	4am 10am 4pm 10pm 58 66 65 57	4am 10am 4pm 10pm 53 66 67 60	4am 10am 4pm 10pm 57 68 68 58	4am 10am 4pm 10pm 53 73 73 61	4am 10am 4pm 10pm 55 74 75 62	4am 10am 4pm 10pm 56 73 73 62
Cloudiness	31% 49% 64% 80%	65% 47% 32% 41%	34% 47% 35% 64%	91% 59% 17% 11%	11% 6% 6% 5%	5% 4% 4% 5%	5% 8% 8% 11%
Dewpoint	43 49 56 57	57 56 54 50	48 50 55 56	53 52 51 46	43 40 38 27	27 26 27 34	30 36 39 41
Relative Humidity	62% 52% 65% 85%	95% 69% 65% 76%	82% 57% 66% 86%	86% 56% 54% 63%	67% 31% 28% 27%	33% 16% 17% 35%	38% 26% 29% 46%
Wind	NE 3 NW 2 W 7 W 6	W 6 W 7 NW 3 E 3	E 3 SW 5 SW 5 SE 5	E 3 NW 7 NW 10 E 7	E 9 E 9 NE 7 E 10	E 13 E 14 E 8 E 10	E 9 E 10 E 7 E 7
Snow Level (ft)	8206 8158	6844 6772	0 0	0 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/01/2014	Start/End Time	12:00pm to 1:00pm
Date Inspection Report Written	12/01/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 30 days		
Onsite Rain Gauge Data	Date of Reading: Time of Reading: Location of Rain Gauge: Rainfall Amount(inches):		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other:			
Temperature: 63 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active.	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?		✓			No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed around the perimeter of the site. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Gravel bag berms have been installed along areas that have existing asphalt. 	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?	✓			Add additional gravel bags along entrance for extra run-on/run-off protection during rain events.	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have filter fabric and gravel bag BMPs. 	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			Fiber rolls have been installed around recently poured brow ditches.	No
Are there drain inlets that require maintenance?		✓		Maintain storm drain inlet BMPs as needed by removing built-up sediment and replacing damaged gravel bags.	No

Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No
Are required covers and/or perimeter controls in place?	✓			Fiber roll slope protection has been installed around large stockpile for erosion control protection. New portion of large stockpile is being covered to prepare for the upcoming rain event.	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed.	No
					
Are all paved areas free of visible sediment tracking or other particulate matter?	✓			No tracking observed during this inspection. Perform street sweeping as needed.	No
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓				No
If no, are drip pans used?	✓			Drip protection is installed under staged equipment.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					

Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Concrete washout facilities are being used.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓			Concrete washout is leaking, removing leaking washout from site; clean up spilled material and contain within designated washout facility. 	Yes
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?		✓		Clean up washout spills and concrete wastes from ground and contain within washout facilities. 	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No

Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Cover dumpsters during rain event.	No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Clean up and concrete washout spills and concrete wastes from ground and contain within designated washout facilities.
- 2) Remove leaking concrete washout facility from site.

Field Recommendations Summary:

- 1) Install additional gravel bags along entrance for extra protection during rain events.
- 2) Perform street sweeping at entrances.

Local NOAA Weather Forecast:

Current Conditions

[En Español](#)

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Mostly Cloudy
63°F
17°C

Humidity 63%
Wind Speed calm
Barometer 30.16 in (1021.4 mb)
Dewpoint 50°F (10°C)
Visibility 10.00 mi

Last Update on 01 Dec 8:51 am PST

Current conditions at
San Diego, San Diego International-Lindbergh Field (KSAN)
Lat: 32.73361°N Lon: 117.18306°W Elev: 13ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

San Diego CA 7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

TODAY	TONIGHT	TUESDAY	TUESDAY NIGHT	WEDNESDAY	WEDNESDAY NIGHT	THURSDAY	THURSDAY NIGHT	FRIDAY
Mostly Sunny High: 71 °F	Rain Likely Low: 62 °F	Heavy Rain High: 66 °F	Heavy Rain Low: 62 °F	Showers Likely High: 68 °F	Slight Chc Showers Low: 63 °F	Slight Chc Showers High: 68 °F	Partly Cloudy Low: 58 °F	Mostly Sunny High: 67 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)

3 Miles WNW San Diego-Paradise Hills CA

Forecast Created at: 8pm PST Dec 1, 2014

Custom Weather Forecast Table

	Mon Dec 01				Tue Dec 02				Wed Dec 03				Thu Dec 04				Fri Dec 05				Sat Dec 06				Sun Dec 07			
Weather					Likely Rain	Rain	Rain Showers		Likely Rain Showers	Chance Rain Showers	Slight Chance Rain						Slight Chance Rain Showers											
Daily-Temp	High 72 Low 54				High 67 Low 61				High 70 Low 62				High 69 Low 62				High 68 Low 57				High 67 Low 57				High 67 Low 57			
Chance of Precip	0%	5%	5%	10%	65%	90%	90%	85%	55%	45%	20%	20%	15%	10%	10%	10%	10%	5%	5%	25%	25%	10%	10%	10%	10%	5%	5%	
Precip	0.00"	0.00"	0.00"	0.00"	0.10"	0.65"	0.59"	0.08"	0.04"	0.01"	0.02"	0.01"	0.00"	0.00"	0.00"													
12-hr Snow Total	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"
FRET	0.07"				0.06"				0.06"				0.05"				0.06"				0.05"				0.06"			
6-Hour Temp	4am: 55	10am: 68	4pm: 71	10pm: 65	4am: 62	10am: 66	4pm: 66	10pm: 64	4am: 62	10am: 68	4pm: 69	10pm: 65	4am: 62	10am: 68	4pm: 68	10pm: 61	4am: 58	10am: 66	4pm: 67	10pm: 61	4am: 58	10am: 65	4pm: 65	10pm: 58	4am: 55	10am: 65	4pm: 65	10pm: 53
Cloudiness	40%	52%	81%	90%	100%	100%	100%	99%	85%	76%	86%	85%	70%	57%	57%	48%	48%	50%	50%	87%	87%	44%	44%	27%	27%	37%	37%	37%
Dewpoint	51	50	52	52	51	51	56	58	57	59	61	60	59	59	59	58	55	55	56	55	54	54	55	55	53	52	52	52
Relative Humidity	87%	52%	51%	64%	67%	59%	70%	80%	84%	72%	76%	85%	88%	75%	74%	89%	93%	69%	68%	83%	87%	68%	69%	87%	93%	62%	62%	62%
Wind	NE 5	NW 1	N 6	E 1	S 7	SE 8	S 10	S 9	S 5	S 7	S 7	S 9	S 5	W 6	W 5	SW 2	E 2	W 7	W 8	W 5	NE 1	W 3	W 6	W 3	E 3	NW 5	NW 5	N 5
Snow Level (ft)	10014				9472	10572	11553	10436	10351	10208	9721	8909	8779	8779	8279	7779					8189	8189	0	0	0	0	0	0

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/02/2014	Start/End Time	9:00am to 10:00am
Date Inspection Report Written	12/02/2014		
Inspector's Name (s)	Donald Sturgeon		
Inspector's Title(s)	Storm Water Developer		
Inspector's Signature			
Inspector's Contact Information	858-653-9290		
Inspector's Qualifications	QSD # 113		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: 12/02/14 8:00am Storm End Date/Time: Storm Duration: Approximate Rainfall: 0.03" at the time of the inspection. Time Elapsed Since Last Storm: N/A		
Onsite Rain Gauge Data	Date of Reading: 12/2/2014 Time of Reading: 9:00am Location of Rain Gauge: NOAA Rainfall Amount(inches): 0.03" at the time of the inspection.		
Type of Inspection:	<input type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input checked="" type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event		
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input checked="" type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 63 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active; fiber roll slope protection is installed around large stockpile for temporary stabilization while it is inactive.	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?		✓			No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed around the perimeter of the site. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Gravel bag berms have been installed along areas that have existing asphalt.	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Additional gravel bags were placed at the entrance.	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have filter fabric and gravel bag BMPs. 	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			Fiber rolls have been installed around recently poured brow ditches.	No

<p>Are there drain inlets that require maintenance?</p>		<p>✓</p>	<p>Maintain storm drain inlet BMPs as needed by removing built-up sediment and replacing damaged gravel bags.</p> 	<p>No</p>
<p>Stockpiles</p>				
<p>Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?</p>	<p>✓</p>		<p>Stockpiles are located with the project's limits and perimeter control BMPs.</p>	<p>No</p>
<p>Are stockpiles protected from run-on, run-off from adjacent areas and from winds?</p>	<p>✓</p>		<p>Dust control is performed frequently on stockpiles to prevent wind erosion.</p>	<p>No</p>
<p>Are required covers and/or perimeter controls in place?</p>	<p>✓</p>		<p>Stockpiles were covered at the time of the inspection.</p> 	<p>No</p>
<p>Tracking Control</p>				
<p>Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?</p>	<p>✓</p>		<p>Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed.</p> 	<p>No</p>
<p>Are all paved areas free of visible sediment tracking or other particulate matter?</p>	<p>✓</p>		<p>No tracking observed during this inspection. Perform street sweeping as needed on Euclid.</p>	<p>No</p>

Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓				No
If no, are drip pans used?	✓			Drip protection is installed under staged equipment.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Concrete washout facilities are being used.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No

<p>Are the temporary concrete washout facilities' PVC liners free from punctures and holes?</p>		✓	<p>Remove leaking concrete washout from the site</p> 	Yes
<p>Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?</p>		✓	<p>Clean up concrete slurry that has leaked from the washout.</p>	Yes
<p>Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?</p>	✓			No
<p>Is the site free of litter?</p>	✓			No
<p>Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?</p>	✓			No
<p>Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?</p>	✓			No
<p>Are waste management receptacles free of leaks?</p>	✓			No
<p>Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?</p>	✓		<p>Trash bins were covered at the time of the inspection.</p> 	No
<p>Are waste management receptacles filled at or beyond capacity?</p>		✓		No

Are all sanitation facilities properly contained and maintained on a regular basis?	✓		Portable toilets have secondary containment.		No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Clean up concrete slurry that has leaked and spilled from the washout.
- 2) Remove leaking washout from the site.

Field Recommendations Summary:

- 1) Perform street sweeping at entrances.
- 2) Keep stockpiles covered during the rain event.
- 3) Keep dumpsters covered during the rain event.

Local NOAA Weather Forecast:



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NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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Coastal rain and mountain snow expected in portions of the Western U.S on Tuesday

A series of disturbances will bring needed precipitation to portions of the Western U.S on Tuesday. Precipitation will be rain along the coast and in the valleys. Rainfall intensity will be moderate to occasionally heavy. This will reduce visibility and may cause localized flash flooding. In the California mountains, 1-2 feet of snow is expected with the highest peaks approaching 3 feet.

[Read More...](#)

HAZARDOUS WEATHER CONDITIONS

Flash Flood Watch in effect from December 2, 09:00 AM PST until December 3, 10:00 AM PST

Current Conditions

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NA

62°F

17°C

Humidity 72%

Wind Speed NA

Barometer NA

Dewpoint 53°F (12°C)

Visibility NA

Last Update on 02 Dec 4:49 am PST

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:
[San Diego, CA Local Forecast Office](#)

TODAY



100%

Heavy Rain

High: 66 °F

TONIGHT



100%

Heavy Rain

Low: 60 °F

WEDNESDAY



90%

Heavy Rain

High: 69 °F

WEDNESDAY NIGHT



60%

Showers Likely

Low: 60 °F

THURSDAY



20%

Slight Chc Showers

High: 70 °F

THURSDAY NIGHT



Partly Cloudy

Low: 55 °F

FRIDAY



Mostly Sunny

High: 70 °F

FRIDAY NIGHT



Slight Chc Showers

Low: 56 °F

SATURDAY



Slight Chc Showers

High: 66 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 6am PST Dec 2, 2014

Custom Weather Forecast Table

	Tue Dec 02				Wed Dec 03				Thu Dec 04				Fri Dec 05				Sat Dec 06				Sun Dec 07				Mon	
Weather	Likely Rain	Rain	Rain Showers	Rain Showers	Likely Rain	Likely Rain	Likely Rain	Slight Chance Rain Showers	Slight Chance Rain Showers					Slight Chance Rain Showers												
Daily-Temp	High 66 Low 58				High 69 Low 60				High 70 Low 60				High 70 Low 55				High 66 Low 56				High 67 Low 55				Hi	
Chance of Precip	80%	100%	100%	85%	85%	85%	60%	55%	20%	10%	10%	5%	5%	5%	5%	20%	20%	15%	15%	10%	10%	10%	10%	10%	10%	5%
Precip	0.08"	0.30"	0.48"	0.17"	0.09"	0.25"	0.07"	0.04"	0.01"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"											
12-hr Snow Total	0"				0"				0"				0"				0"									
FRET	0.06"				0.05"				0.04"				0.06"				0.05"				0.06"					
6-Hour	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10a
Temp	59	64	65	62	60	67	68	63	60	68	68	60	58	67	68	61	57	64	65	59	58	64	65	58	54	65
Cloudiness	100%	100%	99%	90%	92%	87%	83%	74%	51%	51%	43%	44%	38%	48%	48%	50%	50%	35%	35%	29%	29%	33%	33%	32%	32%	25%
Dewpoint	53	55	58	57	57	60	62	60	58	59	59	59	55	55	57	57	55	56	56	56	53	52	54	55	52	52
Relative Humidity	82%	71%	73%	82%	87%	77%	80%	90%	91%	73%	72%	96%	99%	87%	88%	87%	95%	74%	74%	89%	90%	65%	67%	89%	95%	63%
Wind	E	SE	S	S	S	S	S	SE	E	W	NW	N	E	NW	NW	NW	N	W	W	W	E	W	W	NW	NE	W
Snow Level (ft)	11853	11590	11249	10828	9500	9909	10012	9507	8970								8374	8374	9151	9151	0	0	0	0	0	0

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/03/2014	Start/End Time	8:00am to 9:00am
Date Inspection Report Written	12/03/2014		
Inspector's Name (s)	Donald Sturgeon		
Inspector's Title(s)	Storm Water Developer		
Inspector's Signature			
Inspector's Contact Information	858-653-9290		
Inspector's Qualifications	QSD # 113		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: 12/02/14 8:00am Storm End Date/Time: Storm Duration: Approximate Rainfall: 2.13" total since the beginning of the rain event. Time Elapsed Since Last Storm: N/A		
Onsite Rain Gauge Data	Date of Reading: 12/3/2014 Time of Reading: 8:00am Location of Rain Gauge: NOAA Rainfall Amount(inches): 2.13" at the time of the inspection.		
Type of Inspection: <input type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input checked="" type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input checked="" type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 64 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active; fiber roll slope protection is installed around large stockpile for temporary stabilization while it is inactive.	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?		✓			No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed around the perimeter of the site. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Gravel bag berms have been installed along areas that have existing asphalt.	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Additional gravel bags were placed at the entrance.	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have filter fabric and gravel bag BMPs. 	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			Fiber rolls have been installed around recently poured brow ditches.	No

<p>Are there drain inlets that require maintenance?</p>	<p>✓</p>	<p>✓</p>	<p>Maintain storm drain inlet BMPs as needed by removing built-up sediment and replacing damaged gravel bags.</p> 	<p>No</p>
Stockpiles				
<p>Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?</p>	<p>✓</p>	<p>✓</p>	<p>Stockpiles are located with the project's limits and perimeter control BMPs.</p>	<p>No</p>
<p>Are stockpiles protected from run-on, run-off from adjacent areas and from winds?</p>	<p>✓</p>	<p>✓</p>	<p>Dust control is performed frequently on stockpiles to prevent wind erosion.</p>	<p>No</p>
<p>Are required covers and/or perimeter controls in place?</p>	<p>✓</p>	<p>✓</p>	<p>Stockpiles were covered at the time of the inspection.</p> 	<p>No</p>
Tracking Control				
<p>Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?</p>	<p>✓</p>	<p>✓</p>	<p>Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed.</p>	<p>No</p>
<p>Are all paved areas free of visible sediment tracking or other particulate matter?</p>	<p>✓</p>	<p>✓</p>	<p>No tracking observed during this inspection. Perform street sweeping as needed on Euclid.</p> 	<p>No</p>

Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓				No
If no, are drip pans used?	✓			Drip protection is installed under staged equipment.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Concrete washout facilities are being used.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No

<p>Are the temporary concrete washout facilities' PVC liners free from punctures and holes?</p>		✓	<p>Remove leaking concrete washout from the site</p> 	Yes
<p>Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?</p>		✓	<p>Clean up concrete slurry that has leaked from the washout.</p>	Yes
<p>Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?</p>	✓			No
<p>Is the site free of litter?</p>	✓			No
<p>Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?</p>	✓			No
<p>Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?</p>	✓			No
<p>Are waste management receptacles free of leaks?</p>	✓			No
<p>Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?</p>	✓		<p>Trash bins were covered at the time of the inspection.</p> 	No
<p>Are waste management receptacles filled at or beyond capacity?</p>		✓		No

Are all sanitation facilities properly contained and maintained on a regular basis?	✓			<p>Portable toilets have secondary containment.</p> 	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Clean up concrete slurry that has leaked and spilled from the washout.
- 2) Remove leaking washout from the site.

Outstanding Corrective Actions:

- 1) Clean up concrete slurry that has leaked and spilled from the washout.
- 2) Remove leaking washout from the site.

Field Recommendations Summary:

- 1) Perform street sweeping at entrances.
- 2) Keep stockpiles covered during the rain event.
- 3) Keep dumpsters covered during the rain event.

Local NOAA Weather Forecast:



NATIONAL WEATHER SERVICE
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Another day of heavy rain and mountain snow in California on Wednesday

Areas of moderate to heavy rain will continue to move across California on Wednesday. Flash flooding is a concern, as well as urban and small stream flooding in low-lying areas. Debris flows are possible, especially near wildfire burn scars. Strong, gusty winds may bring down trees and power lines. High-elevation snow will lead to hazardous driving conditions in mountain passes. [Read More...](#)

HAZARDOUS WEATHER CONDITIONS

Coastal Flood Advisory in effect from December 3, 03:00 AM PST until December 4, 10:00 AM PST

Current Conditions

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NA
63°F
17°C

Humidity 95%
Wind Speed NA
Barometer NA
Dewpoint 62°F (17°C)
Visibility NA

Last Update on 03 Dec 4:49 am PST

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

3 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

TODAY	TONIGHT	THURSDAY	THURSDAY NIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY
60%	60%	30%						
Heavy Rain High: 70 °F	Showers Likely Low: 61 °F	Chance Showers High: 68 °F	Partly Cloudy Low: 55 °F	Mostly Sunny High: 69 °F	Mostly Cloudy Low: 58 °F	Mostly Sunny High: 69 °F	Partly Cloudy Low: 55 °F	Mostly Sunny High: 69 °F

Forecast for Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
3 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 5am PST Dec 3, 2014

Custom Weather Forecast Table

	Wed Dec 03				Thu Dec 04				Fri Dec 05				Sat Dec 06				Sun Dec 07				Mon Dec 08				Tue Dec 09			
Weather	Likely Rain	Chance Rain	Likely Rain	Chance Rain	Chance Rain																							
Daily-Temp	High 70 Low 60				High 68 Low 61				High 69 Low 55				High 69 Low 58				High 69 Low 55				High 71 Low 53				High 74 Low 52			
Chance of Precip	65%	50%	65%	45%	30%	15%	5%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%	5%
Precip	0.23"	0.12"	0.07"	0.07"	0.03"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"												
12-hr Snow Total	0"		0"		0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"												
FRET	0.06"				0.05"				0.05"				0.06"				0.06"				0.07"				0.08"			
6-Hour Temp	4am: 60	10am: 68	4pm: 69	10pm: 64	4am: 61	10am: 66	4pm: 66	10pm: 59	4am: 58	10am: 66	4pm: 68	10pm: 62	4am: 58	10am: 67	4pm: 67	10pm: 59	4am: 58	10am: 66	4pm: 67	10pm: 58	4am: 54	10am: 67	4pm: 69	10pm: 58	4am: 53	10am: 69	4pm: 69	10pm: 58
Cloudiness	82%	91%	78%	78%	45%	48%	38%	36%	45%	40%	51%	58%	58%	32%	32%	29%	29%	33%	33%	32%	32%	22%	22%	24%	24%	18%	18%	18%
Dewpoint	57	59	61	59	58	59	58	57	54	55	56	56	55	57	57	56	54	54	55	56	52	53	54	54	49	49	49	54
Relative Humidity	87%	74%	75%	84%	88%	78%	76%	92%	94%	67%	65%	82%	89%	70%	70%	89%	93%	65%	66%	92%	94%	61%	60%	85%	88%	49%	49%	53%
Wind	SE 7	S 6	S 5	S 6	SW 2	W 3	NW 6	N 2	N 1	NW 5	NW 6	NW 2	N 3	NW 7	NW 7	N 3	NE 3	W 6	W 7	N 2	N 2	W 6	NW 8	N 2	NE 3	W 5	NW 8	NW 5
Snow Level (ft)	9859	10045	9693	9394	9058	8669						8874	8874	9151	9151	0	0	0	0	0	0	0	0	0	0	0	0	0

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/04/2014	Start/End Time	8:00am to 9:00am
Date Inspection Report Written	12/04/2014		
Inspector's Name (s)	Donald Sturgeon		
Inspector's Title(s)	Storm Water Developer		
Inspector's Signature			
Inspector's Contact Information	858-653-9290		
Inspector's Qualifications	QSD # 113		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: 12/02/14 8:00 am Storm End Date/Time: 12/04/14 6:00 am Storm Duration: 3 days Approximate Rainfall: 1.60" Time Elapsed Since Last Storm: N/A		
Onsite Rain Gauge Data	Date of Reading: 12/4/2014 Time of Reading: 8:00am Location of Rain Gauge: NOAA Rainfall Amount (inches): 1.00" at the time of the inspection.		
Type of Inspection:	<input type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input checked="" type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event		
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 64 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active; fiber roll slope protection is installed around large stockpile for temporary stabilization while it is inactive.	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?		✓			No
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed around the perimeter of the site. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?		✓		Gravel bag berms have been installed along areas that have existing asphalt.	No
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Additional gravel bags were placed at the entrance.	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have filter fabric and gravel bag BMPs. 	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			Fiber rolls have been installed around recently poured brow ditches.	No

<p>Are there drain inlets that require maintenance?</p>	<p>✓</p>	<p>✓</p>	<p>Maintain storm drain inlet BMPs as needed by removing built-up sediment and replacing damaged gravel bags.</p> 	<p>No</p>
<p>Stockpiles</p>				
<p>Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?</p>	<p>✓</p>	<p>✓</p>	<p>Stockpiles are located with the project's limits and perimeter control BMPs.</p>	<p>No</p>
<p>Are stockpiles protected from run-on, run-off from adjacent areas and from winds?</p>	<p>✓</p>	<p>✓</p>	<p>Dust control is performed frequently on stockpiles to prevent wind erosion.</p>	<p>No</p>
<p>Are required covers and/or perimeter controls in place?</p>	<p>✓</p>	<p>✓</p>	<p>Stockpiles were covered at the time of the inspection.</p> 	<p>No</p>
<p>Tracking Control</p>				
<p>Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?</p>	<p>✓</p>	<p>✓</p>	<p>Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed.</p>	<p>No</p>
<p>Are all paved areas free of visible sediment tracking or other particulate matter?</p>	<p>✓</p>	<p>✓</p>	<p>No tracking observed during this inspection. Perform street sweeping as needed on Euclid.</p> 	<p>No</p>

Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓				No
If no, are drip pans used?		✓		Place drip protection under staged equipment.	Yes
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Concrete washout facilities are being used.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No

<p>Are the temporary concrete washout facilities' PVC liners free from punctures and holes?</p>		✓	<p>Remove leaking concrete washout from the site</p> 	Yes
<p>Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?</p>		✓	<p>Clean up concrete slurry that has leaked from the washout.</p>	Yes
<p>Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?</p>	✓			No
<p>Is the site free of litter?</p>	✓			No
<p>Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?</p>	✓			No
<p>Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?</p>	✓			No
<p>Are waste management receptacles free of leaks?</p>	✓			No
<p>Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?</p>	✓		<p>Trash bins were covered at the time of the inspection.</p> 	No
<p>Are waste management receptacles filled at or beyond capacity?</p>		✓		No

<p>Are all sanitation facilities properly contained and maintained on a regular basis?</p>	<p>✓</p>		<p>Portable toilets have secondary containment.</p> 	<p>No</p>
<p>Storm Water Pollution Prevention Plan Documentation</p>				
<p>Are the subcontractor's contact information documented in the SWPPP?</p>	<p>✓</p>			<p>No</p>
<p>Is General Contractor training certificates documented in the SWPPP?</p>	<p>✓</p>			<p>No</p>
<p>Is the Wall Map completed and accurate to the site conditions?</p>	<p>✓</p>			<p>No</p>
<p>Are SWPPP Amendments updated and documented?</p>	<p>✓</p>			<p>No</p>
<p>Are weekly inspection reports completed?</p>	<p>✓</p>			<p>No</p>
<p>Are weekly inspection reports factual based on observed conditions?</p>	<p>✓</p>			<p>No</p>
<p>Are pre-, during, and post-storm inspection reports completed?</p>	<p>✓</p>			<p>No</p>
<p>Are pre-, during, and post-storm inspection reports factual based on observed conditions?</p>	<p>✓</p>			<p>No</p>
<p>Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?</p>	<p>✓</p>			<p>No</p>
<p>Are the sampling constituents identified in the SWPPP?</p>	<p>✓</p>			<p>No</p>
<p>Is the laboratory information identified in the SWPPP with the sampler(s) contact information?</p>	<p>✓</p>			<p>No</p>
<p>Is the SWPPP Manager and Implementer's Contact information in the SWPPP?</p>	<p>✓</p>			<p>No</p>
<p>Is the Erosion Control Contractor Contact information in the SWPPP?</p>	<p>✓</p>			<p>No</p>
<p>Is the Rain Event Action Plan updated and documented in the SWPPP?</p>		<p>✓</p>	<p>Risk level 1.</p>	<p>No</p>

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Clean up concrete slurry that has leaked and spilled from the washout.
- 2) Remove leaking washout from the site.
- 3) Place drip protection under staged equipment.

Outstanding Corrective Actions:

- 1) Clean up concrete slurry that has leaked and spilled from the washout.
- 2) Remove leaking washout from the site.

Field Recommendations Summary:

- 1) Perform street sweeping at entrances.
- 2) Keep stockpiles covered during the rain event.
- 3) Keep dumpsters covered during the rain event.

Local NOAA Weather Forecast:



NATIONAL WEATHER SERVICE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

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FORECAST
PAST WEATHER
WEATHER SAFETY
INFORMATION CENTER
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SEARCH
ABOUT

Local forecast by "City, St" or ZIP code

[Location Help](#)

More rain and snow for the Western U.S expected on Thursday

The series of weather disturbances impacting the Western U.S continues on Thursday. As the next disturbance will bring more coastal rain and mountain snow to northern California, Oregon and Washington. A separate disturbance, will impact portions of southern California, southern Nevada, Arizona, Utah, Colorado and New Mexico. Precipitation amounts will vary, but could be locally heavy.

[Read More...](#)

HAZARDOUS WEATHER CONDITIONS

[Flood Advisory in effect from December 4, 04:46 AM PST until December 4, 07:45 AM PST](#)

[Coastal Flood Advisory is in effect until December 4, 10:00 AM PST](#)

Current Conditions

En Español

NA

65°F

18°C

Humidity 85%

Wind Speed NW 3 MPH

Barometer 29.96 in

Dewpoint 64°F (18°C)

Visibility NA

Last Update on 04 Dec 5:18 am

Current conditions at
EW3219 National City (E3219)
Lat: 32.6705°N Lon: 117.10083°W Elev: 82ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

2 Miles WNW San Diego-Paradise Hills CA

7 Day Forecast

For More Weather Information:
[San Diego, CA Local Forecast Office](#)

TODAY



Chance Showers
High: 68 °F

TONIGHT



Partly Cloudy
Low: 56 °F

FRIDAY



Mostly Sunny
High: 70 °F

FRIDAY NIGHT



Partly Cloudy
Low: 56 °F

SATURDAY



Mostly Sunny
High: 68 °F

SATURDAY NIGHT



Increasing Clouds
Low: 55 °F

SUNDAY



Decreasing Clouds
High: 69 °F

SUNDAY NIGHT



Patchy Fog
Low: 55 °F

MONDAY



Patchy Fog
High: 70 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft)
2 Miles WNW San Diego-Paradise Hills CA
Forecast Created at: 5am PST Dec 4, 2014

Custom Weather Forecast Table

	Thu Dec 04				Fri Dec 05				Sat Dec 06				Sun Dec 07				Mon Dec 08				Tue Dec 09				Wed Dec 10			
Weather	Chance Rain Showers												Patchy Fog								Patchy Fog							
Daily-Temp	High 68 Low 63				High 70 Low 56				High 68 Low 56				High 69 Low 55				High 70 Low 55				High 74 Low 53				High 76 Low 52			
Chance of Precip	35%	10%	5%	5%	5%	0%	10%	10%	10%	5%	5%	5%	5%	5%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	5%	5%	5%
Precip	0.07"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"													
12-hr Snow Total	0"				0"				0"				0"															
FRET	0.05"				0.06"				0.05"				0.06"				0.06"				0.07"				0.11"			
6-Hour Temp	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm
Temp	63	67	66	60	58	67	68	60	56	65	66	59	55	66	67	59	55	67	68	58	54	69	71	59	53	71	73	60
Cloudiness	66%	44%	34%	34%	40%	43%	50%	50%	47%	33%	20%	94%	94%	30%	30%	92%	92%	24%	24%	18%	18%	21%	21%	17%	17%	17%	17%	92%
Dewpoint	60	59	57	58	53	53	54	55	54	54	55	58	54	54	55	55	54	55	58	56	50	48	53	47	42	44	44	53
Relative Humidity	90%	78%	73%	88%	89%	61%	60%	82%	92%	68%	68%	89%	95%	65%	65%	66%	96%	65%	65%	93%	87%	46%	52%	66%	68%	39%	49%	71%
Wind	W	NW	NW	N	NE	NW	NW	NE	N	W	NW	N	N	N	N	N	N	N	NW	N	E	N	NW	E	E	E	W	E
Snow Level (ft)	9002	8892	9709			9057	8911	8729	8879	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/05/2014	Start/End Time	10:30am to 12:30pm
Date Inspection Report Written	12/05/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: 12/02/14 8:00 am Storm End Date/Time: 12/04/14 6:00 am Storm Duration: 3 days Approximate Rainfall: 1.60" Time Elapsed Since Last Storm: N/A		
Onsite Rain Gauge Data	Date of Reading: 12/05/14 Time of Reading: 12:00pm Location of Rain Gauge: Local NOAA rain gauge Rainfall Amount(inches): 1.60"		
Type of Inspection: <input type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input checked="" type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other:			
Temperature: 63 F			
Have any discharges occurred since the last inspection? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe: A discharge occurred from storm drain inlet on site into Chollas Creek; QSP did not observe discharge and did not sample.			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed: No discharges were observed at time of inspection.			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			Site is active; track-walking and fiber roll slope protection is installed around large stockpile for temporary stabilization while it is inactive.	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?	✓			Erosion observed from large inactive stockpile. Additional erosion control BMPs are needed. 	Yes
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed around the perimeter of the site. Gravel bag berms have been installed along areas that have existing asphalt. 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			Install additional gravel bags where missing around perimeter. Remove built-up sediment to maintain gravel bag berm perimeter control BMPs. 	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Additional gravel bags were installed for perimeter protection around the site's northern entrance. 	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No

Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains internal and adjacent to the project have filter fabric and gravel bag BMPs. 	No
Are storm drain inlet protection devices in working order and being properly maintained?		✓		Fiber rolls have been installed around recently poured brow ditches. The detention basins around the storm drain inlets are filled with storm water; install additional gravel bag BMPs around storm drain inlets to allow the sediment more time to settle out before the entering the storm drain inlet. 	Yes
Are there drain inlets that require maintenance?	✓			Maintain storm drain inlet BMPs by removing built-up sediment from around inlets. Clean out accumulated sediment from brow ditches. 	Yes
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Dust control is performed frequently on stockpiles to prevent wind erosion.	No

Are required covers and/or perimeter controls in place?	✓		<p>The large inactive stockpile was track walked and protected with fiber roll slope protection. The newly created portion of the stockpile was covered during the rain event. All other stockpiles were stored covered during the rain event.</p> 	No
Tracking Control				
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓		<p>Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed. Vehicle traffic limited to prevent sediment tracking.</p> 	No
Are all paved areas free of visible sediment tracking or other particulate matter?		✓	<p>Sweep up sediment from entrances and curbs around project.</p> 	Yes
Wind Erosion Control				
Is dust control implemented on site?	✓		Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations				
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?		✓		No
Is required treatment provided for dewatering effluent?		✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)		✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓			No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓			No

If no, are drip pans used?	✓			Drip protection is installed under staged equipment.	No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓			Concrete washout facilities are being used.	No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓				No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓				No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓				No
Are waste management receptacles filled at or beyond capacity?		✓			No

Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Erosion observed along large stockpile and walls of retention basins; apply temporary stabilization (Erosion Control Mats or BFM) to prevent further erosion.
- 2) Install additional gravel bags around storm drain inlets to allow the sediment in the retained storm water more time to settle out before entering the inlet.
- 3) Clean sediment out of brow ditches; install gravel bag check dams for run-off control BMPs within brow ditch.
- 4) Perform street sweeping at entrances.
- 5) Clean out built-up sediment from brow ditches and around storm drain inlets; maintain or replace filter fabric storm drain inlet BMPs.
- 6) After the Post-Rain Event Inspection was performed, a discharge was reported; storm water in basins appeared sediment laden so site should cease all storm water discharges immediately.

Field Recommendations Summary:

- 1) Install gravel bags check dams along access road of the project for additional run-off control protection during rain events.

Local NOAA Weather Forecast:

Current Conditions

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Mostly Cloudy
68°F
20°C

Humidity 64%
Wind Speed W 8 MPH
Barometer 30.01 in (1016.2 mb)
Dewpoint 55°F (13°C)
Visibility 10.00 mi

Last Update on 04 Dec 12:51 pm PST

Current conditions at
San Diego, San Diego International-Lindbergh Field (KSAN)
Lat: 32.73361°N Lon: 117.18306°W Elev: 13ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

San Diego-Downtown CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

THIS AFTERNOON



Mostly Sunny
High: 67 °F

TONIGHT



Partly Cloudy
Low: 57 °F

FRIDAY



Mostly Sunny
High: 70 °F

FRIDAY NIGHT



Partly Cloudy
Low: 58 °F

SATURDAY



Mostly Sunny
High: 68 °F

SATURDAY NIGHT



Increasing Clouds
Low: 57 °F

SUNDAY



Decreasing Clouds
High: 68 °F

SUNDAY NIGHT



Patchy Fog
Low: 57 °F

MONDAY



Patchy Fog
High: 69 °F

Forecast For Lat/Lon: 32.7190/-117.1530 (Elev. 118 ft)
San Diego CA

Forecast Created at 5pm PST Dec 5, 2014

Custom Weather Forecast Table

	Fri Dec 05				Sat Dec 06				Sun Dec 07				Mon Dec 08				Tue Dec 09				Wed Dec 10				Thu Dec 11			
Weather	Isolated Rain Showers												Patchy Fog				Patchy Fog				Chance Rain Showers							
Daily-Temp	High 69 Low 57				High 70 Low 58				High 69 Low 57				High 67 Low 58				High 70 Low 57				High 71 Low 57				High 69 Low 58			
Chance of Precip	5%	5%	15%	15%	10%	5%	5%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	5%	5%	25%	25%	35%
Precip	0.00"	0.00"	0.00"	0.01"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"	0.00"												
12-hr Snow Total	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"	0"												
FRET	0.05"				0.06"				0.06"				0.06"				0.07"				0.08"				0.07"			
6-Hour Temp	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm
Cloudiness	59%	55%	75%	79%	68%	40%	31%	61%	39%	18%	32%	73%	59%	29%	33%	76%	76%	16%	16%	77%	77%	20%	20%	90%	90%	58%	58%	74%
Dewpoint	54	55	57	57	53	53	56	55	52	53	56	57	53	52	53	54	51	51	53	52	48	48	51	53	50	52	55	53
Relative Humidity	89%	71%	71%	84%	83%	65%	66%	82%	82%	66%	68%	84%	84%	66%	66%	80%	80%	61%	60%	73%	71%	52%	54%	72%	74%	64%	66%	77%
Wind	NE	N	W	NW	NE	NW	NW	N	N	NW	NW	N	N	NW	NW	N	NE	NW	NW	NE	E	SW	W	E	E	S	S	SE
Snow Level (ft)		9161	8253	8261	8216																							

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/10/2014	Start/End Time	1:00pm to 2:00pm
Date Inspection Report Written	12/10/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: 4 days		
Onsite Rain Gauge Data	Date of Reading: 12/10/14 Time of Reading: 2:00pm Location of Rain Gauge: Local NOAA Weather Station Rainfall Amount(inches): 0.0		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: Storm Duration (hrs): Approximate Amount of Precipitation (in):			
Weather at time of this inspection? <input checked="" type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other:			
Temperature: 66 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?	✓			<p>Site is active; BFM has been applied to large stockpile on site and several other portions along the basins where erosion was observed. Grading through that area is scheduled for within the next 2 weeks, apply additional temporary stabilization if lower portion of site remains inactive for more than 2 weeks.</p> 	No
Are there any non-vegetated areas that may require temporary soil stabilization?		✓			No
Is erosion observed at the area where temporary soil stabilization is required?	✓			Rills were observed after the previous rain event. BFM has since been applied to stockpile. Repair eroded areas around basins and apply additional temporary stabilization if they become inactive.	Yes
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			Silt fence has been installed around the perimeter of the site. Gravel bag berms have been installed along areas that have existing asphalt.	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			Areas around the site that had damaged or insufficient perimeter control were maintained today with gravel bag berms or temporary fiber rolls secured with gravel bags for perimeter control. Fiber rolls should be properly trenched and staked in where possible.	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No
Are there any areas where temporary linear sediment barriers are recommended to be installed?	✓				No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			<p>Storm drains will be plugged at the outfall and covered with plastic, filter fabric, and gravel bags to prevent any storm water from discharging to the Chollas Creek prior to next rain event.</p> 	No

Are storm drain inlet protection devices in working order and being properly maintained?	✓		Fiber rolls have been installed around recently poured brow ditches. Gravel bag check dams and a rip-rap dissipater have been installed along v-ditch for run-off control BMPs. 	No
Are there drain inlets that require maintenance?		✓	Maintain storm drain inlet BMPs as needed by removing built-up sediment and replacing damaged gravel bags.	No
Stockpiles				
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓		Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓		Dust control is performed frequently on stockpiles to prevent wind erosion. Inactive stockpiles are covered.	No
Are required covers and/or perimeter controls in place?	✓		Inactive portion of large stockpile has been sprayed with BFM for temporary stabilization, an earthen and gravel bag berm has been installed around perimeter; continue to install perimeter protection around entire stockpile.	Yes
Tracking Control				
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓		Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed.	No
Are all paved areas free of visible sediment tracking or other particulate matter?	✓		Ensure all tracking is swept at end of day.	No
Wind Erosion Control				
Is dust control implemented on site?	✓		Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations				
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?		✓		No
Is required treatment provided for dewatering effluent?		✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)		✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance				
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓			No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓		A visqueen lined vehicle parking and maintenance area with fiber roll secondary containment has been created.	No
If no, are drip pans used?	✓			No

Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No
Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓				No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓			Concrete washout facilities have been covered.	No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?		✓		Continue to clean up concrete wastes from ground and contain within washout facilities.	Yes
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Dumpsters are covered.	No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No

Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No
Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
(Corrective actions are noted above with "Yes" in the right column)*

- 1) Perform street sweeping at entrances at end of day to ensure there is no sediment tracking.
- 2) Properly trench and stake in fiber rolls where possible around perimeter.
- 3) Apply mats, covers, or BFM to any areas that will remain inactive for 14 days to prevent any further erosion from occurring.
- 4) Continue installing berm or fiber rolls around entire large stockpile for perimeter protection.
- 5) Continue cleaning up concrete wastes from around curbs and contain all wastes within designated washout facilities.

Local NOAA Weather Forecast:

Current Conditions

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Mostly Cloudy
66°F
19°C

Humidity 70%
Wind Speed SW 7 MPH
Barometer 29.98 in (1015.1 mb)
Dewpoint 56°F (13°C)
Visibility 10.00 mi

Last Update on 10 Dec 1:51 pm PST

Current conditions at
San Diego, San Diego International-Lindbergh Field (KSAN)
Lat: 32.73361°N Lon: 117.18306°W Elev: 13ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

San Diego CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

THIS AFTERNOON	TONIGHT	THURSDAY	THURSDAY NIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY
Mostly Sunny High: 69 °F	Mostly Cloudy Low: 57 °F	Partly Sunny High: 67 °F	Heavy Rain Low: 59 °F	Heavy Rain High: 66 °F	Chance Showers Low: 55 °F	Mostly Sunny High: 65 °F	Partly Cloudy Low: 52 °F	Mostly Sunny High: 65 °F

[See http://www.noaa.gov/mg...](#)

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft) 3 Miles WNW San Diego-Paradise Hills CA

Forecast Created at: 9pm PST Dec 10, 2014

Custom Weather Forecast Table

	Wed Dec 10				Thu Dec 11				Fri Dec 12				Sat Dec 13				Sun Dec 14				Mon Dec 15				Tu																																							
Weather	Patchy Fog				Chance Rain				Slight Chance TStorms and Rain				Rain Showers and TStorms				Likely Rain Showers and TStorms				Chance Rain Showers				Chance Rain																																							
Daily-Temp	High 71 Low 52				High 68 Low 54				High 66 Low 56				High 65 Low 51				High 66 Low 50				High 67 Low 52																																											
Chance of Precip	0%				0%				100%				85%				55%				35%				10%				10%				5%				5%				10%				10%				30%				30%				40%				40%			
Precip	0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"				0.00"											
12-hr Snow Total	0"				0"				0"				0"				0"				0"				0"				0"				0"				0"				0"				0"				0"															
FRET	0.06"				0.05"				0.06"				0.05"				0.07"				0.07"				0.07"				0.07"				0.07"				0.07"				0.07"				0.07"																			
6-Hour Temp	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm	4am	10am	4pm	10pm																				
Temp	53	65	68	60	55	64	66	60	57	63	63	56	52	61	62	55	51	61	64	57	53	62	64	57	53	62	64	57	53	62	64	57	53	62	64	57	53	62	64	57	53	62	64	57	53	62	64	57																
Cloudiness	32%	33%	59%	77%	84%	54%	91%	100%	100%	95%	86%	72%	59%	40%	31%	34%	35%	36%	39%	39%	46%	46%	63%	63%	46%	47%	49%	49%	46%	47%	49%	49%	46%	47%	49%	49%	46%	47%	49%	49%	46%	47%	49%	49%																				
Dewpoint	49	50	56	55	52	54	57	55	53	54	54	53	50	51	51	48	45	47	49	47	46	47	49	49	46	47	49	49	46	47	49	49	46	47	49	49	46	47	49	49	46	47	49	49																				
Relative Humidity	84%	58%	67%	85%	89%	71%	72%	84%	87%	72%	73%	88%	94%	70%	65%	77%	81%	60%	59%	71%	76%	58%	57%	74%	76%	58%	57%	74%	76%	58%	57%	74%	76%	58%	57%	74%	76%	58%	57%	74%	76%	58%	57%	74%																				
Wind	E 3	W 1	SW 6	SW 5	S 1	S 5	S 10	S 9	SE 13	W 9	W 6	W 3	NE 3	N 5	NW 6	NE 5	E 6	E 3	W 7	E 3	E 5	S 3	SW 5	E 7	E 5	S 3	SW 5	E 7	E 5	S 3	SW 5	E 7	E 5	S 3	SW 5	E 7	E 5	S 3	SW 5	E 7																								
Snow Level (ft)							9317	9155	7613	6313	5452	5240	5748																																																			

Storm Water Quality Site Inspection Form

Project Information			
Project Name	Walgreens Phase #1		
Risk Level	Level 1		
WDID No.	9 37C369293	Location	602 Euclid Ave San Diego, CA 92114
Date of Inspection	12/18/2014	Start/End Time	3:00pm to 4:00pm
Date Inspection Report Written	12/18/2014		
Inspector's Name (s)	Marisa Dauber		
Inspector's Title(s)	Storm Water Inspector		
Inspector's Signature			
Inspector's Contact Information	858-583-2762		
Inspector's Qualifications	QSP #208/CESSWI #506		
Describe present phase of construction	Grading, Vertical construction		
Total Project Area	3.5 acres		
Approximate area of site exposed:	3.5 acres		
Activities completed:	Initial demo and excavation		
Storm Data	Storm Start Date/Time: Storm End Date/Time: Storm Duration: Approximate Rainfall: Time Elapsed Since Last Storm: n/a		
Onsite Rain Gauge Data	Date of Reading: 12/18/14 Time of Reading: 3:00pm Location of Rain Gauge: Local NOAA Weather Station Rainfall Amount(inches): 0.00		
Type of Inspection: <input checked="" type="checkbox"/> Weekly <input type="checkbox"/> Pre-storm event <input type="checkbox"/> During storm event <input type="checkbox"/> Post-storm event			
Weather Information			
Has there been a storm event since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, provide: Storm Start Date & Time: 12/16/14 10:00am Storm Duration (hrs): 24 hrs/on-going Approximate Amount of Precipitation (in): 0.80"			
Weather at time of this inspection? <input type="checkbox"/> Clear <input checked="" type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: Temperature: 61 F			
Have any discharges occurred since the last inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe:			
Are there any discharges at the time of inspection? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, describe any odors, colors, turbidity, sheen or trash/debris noticed:			

PROJECT REQUIREMENTS					
Requirement	Yes	No	N/A	Comments	Corrective Action Required?
Temporary Soil Stabilization					
Does the applied temporary soil stabilization provide 100% coverage for the required areas?		✓		<p>BFM and visqueen have been applied to large stockpile and several other portions along the basins and graded pad above basins for temporary stabilization. Reapply temporary stabilization to inactive areas where BFM has been driven on or washed away. Plastic cover has been installed securely under fiber roll to prevent further erosion along bottom portion of stockpile where BFM is not providing adequate cover.</p> 	No
Are there any non-vegetated areas that may require temporary soil stabilization?	✓			Grading and paving throughout the project is scheduled for within the next 2 weeks, apply additional temporary stabilization if lower portion of site remains inactive for more than 2 weeks.	No
Is erosion observed at the area where temporary soil stabilization is required?	✓			Rills were observed after the previous rain event. BFM has since been applied to stockpile. Repair eroded areas around basins and apply additional temporary stabilization if they become inactive.	Yes
Sediment Control BMPs					
Are temporary linear sediment barriers functional, maintained and properly installed in accordance with the details?	✓			<p>Silt fence has been installed around the perimeter of the site. Gravel bag berms have been installed along areas that have existing asphalt.</p> 	No
Are there any areas where the temporary linear sediment barriers are damaged or not properly installed per the details?	✓			<p>Fiber rolls and silt fence should be properly trenched and staked in where possible. Silt fence maintenance is occurring during this inspection.</p> 	Yes
Are temporary linear sediment barriers free of accumulated litter?	✓				No
Is the built-up sediment less than 1/3 the height of the barrier?	✓				No

Are there any areas where temporary linear sediment barriers are recommended to be installed?		✓		Gravel bag check dams have been installed along access road during rain-event for additional run-off control BMPs.	No
Are cross barriers (e.g., fiber roll vertical spacing) installed where necessary and properly spaced?	✓				No
Are fiber rolls installed and maintained on required slopes in accordance with the details, functional and maintained?			✓		No
Storm Drain Inlet Protection					
Are storm drain inlets internal to the project properly protected with inlet protection?	✓			Storm drains have been plugged at the outfall and covered with plastic, filter fabric, and gravel bags to prevent any storm water from discharges.	No
Are storm drain inlet protection devices in working order and being properly maintained?	✓			Fiber rolls have been installed around recently poured brow ditches. Gravel bag check dams and a rip-rap dissipater have been installed along v-ditch for run-off control BMPs. 	No
Are there drain inlets that require maintenance?		✓		Maintain storm drain inlet BMPs as needed by removing built-up sediment.	No
Stockpiles					
Are all locations of temporary stockpiles, including soil, hazardous waste, and construction materials in approved areas?	✓			Stockpiles are located with the project's limits and perimeter control BMPs.	No
Are stockpiles protected from run-on, run-off from adjacent areas and from winds?	✓			Inactive stockpiles are covered.	No
Are required covers and/or perimeter controls in place?	✓			Inactive portion of large stockpile has been sprayed with BFM for temporary stabilization, an earthen and gravel bag berm has been installed around perimeter. 	No
Tracking Control					
Are points of ingress/egress to public/private roads inspected, swept, and vacuumed daily?	✓			Perform street sweeping around entrances on a daily basis. Stabilized construction entrances with rock and shaker plates have been installed. 	No

Are all paved areas free of visible sediment tracking or other particulate matter?	✓			Sweeping of sediment and debris is occurring during this inspection.	No
Wind Erosion Control					
Is dust control implemented on site?	✓			Water trucks are on site performing frequent dust control.	No
Dewatering and Hydrostatic Operations					
Is dewatering handled in conformance with the dewatering permit issued by the RWQCB?			✓		No
Is required treatment provided for dewatering effluent?			✓		No
Is hydrostatic test equal to or greater than 1 ac-ft/day (325,850 gal/day)			✓		No
Vehicle & Equipment Fueling, Cleaning, and Maintenance					
Are vehicle and equipment fueling, cleaning and maintenance areas reasonably clean and free of spills, leaks, or any other deleterious material?	✓				No
Are vehicle and equipment fueling, cleaning and maintenance activities performed on an impermeable surface in dedicated areas?	✓			A visqueen lined vehicle parking and maintenance area with fiber roll secondary containment has been created. 	No
If no, are drip pans used?	✓				No
Are dedicated fueling, cleaning, and maintenance areas located at least 45 ft away from downstream drainage facilities and watercourses, and protected from run-on and runoff?	✓				No
Is wash water contained for infiltration/ evaporation and disposed of outside the highway right of way?	✓				No
Is on-site cleaning limited to washing with water (no soap, soaps substitutes, solvents, or steam)?	✓				No
On each day of use, are vehicles and equipment inspected for leaks and if necessary, repaired?	✓				No
Waste Management & Materials Pollution Control					
Are material storage areas and washout areas protected from run-on and runoff, and located at least 45 ft from concentrated flows and downstream drainage facilities?	✓				No
Are all material handling and storage areas clean; organized; free of spills, leaks, or any other deleterious material; and stocked with appropriate clean-up supplies?	✓				No
Are liquid materials, hazardous materials, and hazardous wastes stored in temporary containment facilities?	✓				No
Are bagged and boxed materials stored on pallets?	✓				No
Are hazardous materials and wastes stored in appropriate, labeled containers?	✓				No
Are proper storage, clean-up, and spill-reporting procedures for hazardous materials and wastes posted in open, conspicuous and accessible locations adjacent to storage areas?	✓			Spill kit is located on site.	No

Are temporary storm water containment facilities free of spills and rainwater?	✓				No
Are temporary storm water containment facilities bagged/boxed materials covered?	✓				No
Are temporary concrete washout facilities designated and being used?	✓				No
Are temporary concrete washout facilities functional for receiving and containing concrete waste and are concrete residues prevented from entering the drainage system?	✓			Concrete washout facilities have been covered for rain event.	No
Do temporary concrete washout facilities provide sufficient volume and freeboard for planned concrete operations?	✓				No
Are the temporary concrete washout facilities' PVC liners free from punctures and holes?	✓				No
Are concrete wastes, including residues from cutting and grinding, contained and disposed of off-site or in concrete washout facilities?	✓				No
Are spills from mobile equipment fueling and maintenance properly contained and cleaned up?	✓				No
Is the site free of litter?	✓				No
Is litter from work areas within the construction limits of the project site collected and placed in watertight dumpsters?	✓				No
Are trash receptacles provided in the Contractor's yard, field trailer areas, and at locations where workers congregate for lunch and break periods?	✓				No
Are waste management receptacles free of leaks?	✓				No
Are the contents of waste management receptacles properly protected from contact with storm water or from being dislodged by winds?	✓			Dumpsters are covered. 	No
Are waste management receptacles filled at or beyond capacity?		✓			No
Are all sanitation facilities properly contained and maintained on a regular basis?	✓			Portable toilets have secondary containment.	No
Storm Water Pollution Prevention Plan Documentation					
Are the subcontractor's contact information documented in the SWPPP?	✓				No
Is General Contractor training certificates documented in the SWPPP?	✓				No
Is the Wall Map completed and accurate to the site conditions?	✓				No
Are SWPPP Amendments updated and documented?	✓				No
Are weekly inspection reports completed?	✓				No
Are weekly inspection reports factual based on observed conditions?	✓				No
Are pre-, during, and post-storm inspection reports completed?	✓				No
Are pre-, during, and post-storm inspection reports factual based on observed conditions?	✓				No
Are the Notice of Intent and Waste Discharge Identification Number (WDID) found in the SWPPP?	✓				No
Are the sampling constituents identified in the SWPPP?	✓				No

Is the laboratory information identified in the SWPPP with the sampler(s) contact information?	✓				No
Is the SWPPP Manager and Implementer's Contact information in the SWPPP?	✓				No
Is the Erosion Control Contractor Contact information in the SWPPP?	✓				No
Is the Rain Event Action Plan updated and documented in the SWPPP?			✓	Risk level 1.	No

Corrective Actions Summary:

*(Dischargers shall begin implementing repairs to BMPs within 72 hours of identification and the changes shall be completed as soon as possible)
 (Corrective actions are noted above with "Yes" in the right column)*

- 1) Continue to sweep entrances, paved areas, and curb lines around project to clean out any accumulated sediment.
- 2) Properly trench and stake in silt fence and fiber rolls where possible around perimeter.
- 3) Apply mats, covers, or BFM to any areas that will remain inactive for 14 days to prevent any further erosion from occurring; reapply BFM/plastic cover to areas where temporary stabilization has washed away on stockpile and been damaged due to vehicle traffic.

Local NOAA Weather Forecast:

Current Conditions

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NA
61°F
16°C

Humidity 72%
Wind Speed NA
Barometer NA
Dewpoint 52°F (11°C)
Visibility NA

Current conditions at
San Diego City Heights (SDCHT)
Lat: 32.741°N Lon: 117.103°W Elev: 305ft.

[More Local Wx](#) | [3 Day History](#) | [Mobile Weather](#)

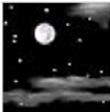
Last Update on 18 Dec 4:49 pm PST

3 Miles SSE San Diego-City Heights CA

7 Day Forecast

For More Weather Information:

[San Diego, CA Local Forecast Office](#)

TONIGHT	FRIDAY	FRIDAY NIGHT	SATURDAY	SATURDAY NIGHT	SUNDAY	SUNDAY NIGHT	MONDAY	MONDAY NIGHT
								
Partly Cloudy Low: 48 °F	Mostly Sunny High: 66 °F	Slight Chc Showers Low: 50 °F	Slight Chc Showers High: 66 °F	Partly Cloudy Low: 50 °F	Sunny High: 69 °F	Mostly Clear Low: 51 °F	Sunny High: 74 °F	Mostly Clear Low: 52 °F

Forecast For Lat/Lon: 32.7040/-117.0950 (Elev. 128 ft) 3 Miles WNW San Diego-Paradise Hills CA

Forecast Created at: 5pm PST Dec 18, 2014

Custom Weather Forecast Table

	Thu Dec 18	Fri Dec 19	Sat Dec 20	Sun Dec 21	Mon Dec 22	Tue Dec 23	Wed Dec 24
Weather	Isolated Rain Showers		Slight Chance Rain Showers				
Daily-Temp	High 64 Low 50	High 66 Low 48	High 66 Low 50	High 69 Low 50	High 74 Low 51	High 77 Low 52	High 73 Low 52
Chance of Precip	20% 20% 10% 5%	5% 10% 10% 15%	15% 10% 10% 0%	0% 0% 0% 0%	0% 0% 0% 0%	0% 0% 0% 0%	0% 0% 0% 5%
Precip	0.02" 0.02" 0.00" 0.00"	0.00" 0.00" 0.00" 0.02"	0.02" 0.00" 0.00" 0.00"	0.00" 0.00" 0.00"			
12-hr Snow Total	0" 0"	0" 0"	0" 0"	0" 0"			
FRET	0.05"	0.05"	0.05"	0.08"	0.10"	0.12"	0.11"
6-Hour	4am 10am 4pm 10pm	4am 10am 4pm 10pm	4am 10am 4pm 10pm	4am 10am 4pm 10pm	4am 10am 4pm 10pm	4am 10am 4pm 10pm	4am 10am 4pm 10pm
Temp	51 59 61 53	49 59 63 55	51 60 63 55	51 62 65 56	52 66 69 58	53 68 72 59	54 65 68 58
Cloudiness	59% 47% 37% 41%	46% 44% 47% 48%	51% 52% 42% 37%	31% 17% 17% 14%	14% 9% 9% 6%	6% 8% 8% 8%	8% 9% 9% 12%
Dewpoint	49 50 47 47	46 50 50 50	49 51 50 50	48 49 45 47	46 49 45 45	43 46 41 44	43 46 44 48
Relative Humidity	93% 71% 61% 82%	90% 72% 64% 86%	94% 73% 62% 83%	90% 63% 49% 73%	81% 55% 41% 62%	69% 45% 33% 58%	68% 49% 42% 70%
Wind	SE 3 SE 3 W 3 E 5	E 5 NW 2 NW 6 NE 2	NE 3 NW 6 NW 7 NE 6	NE 6 NW 6 NW 7 E 5	N 8 N 5 NW 7 E 7	E 7 E 7 NW 6 E 8	E 7 SE 7 S 7 SE 5
Snow Level (ft)	5510 6127		7458	7458 0 0 0	0 0 0 0	0 0 0 0	0 0 0 0

Exhibit No. 5
SWPPP

**STORM WATER POLLUTION PREVENTION PLAN
(SWPPP)
FOR
NORTHWEST VILLAGE CREEK**

**Job Number 13284-II
January 28, 2014**

RICK
RICK ENGINEERING COMPANY
ENGINEERING COMPANY
RICK ENGINEERING CO

RICKTM
ENGINEERING COMPANY

STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

FOR

NORTHWEST VILLAGE CREEK

A Risk Level 1 Project

WDID # _____

Prepared for:

Jacobs Center for Neighborhood Innovation
404 North Euclid Avenue
San Diego, California 92114
(619) 527-6161
Mr. Stephen Maduli-Williams

Prepared by:

Rick Engineering Company
Water Resources Division
5620 Friars Road
San Diego, California 92110
(619) 291-0707

Rick Engineering Job Number: 13284-II

January 28, 2014

**This Document Must Be Returned to
Mr. Stephen Maduli-Williams (the Legally Responsible Person (LRP)) at Job
Completion**

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APPENDICES

APPENDIX I – BLANK FORMS

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SWPPP Amendment Form *
Notification of Anticipated Non-Compliance Form *
Training and Qualifications Forms *
Site Inspection Forms *
QSP Implementation Checklist *
Secondary Containment and Spill Kit Inventory *
Inventory of Potential Pollutant Sources Planned to be Used or Stored at the Project Site*

APPENDIX II – COPY OF CONSTRUCTION GENERAL PERMIT

(SWRCB) Order No. 2009 - 0009 – DWQ, NPDES CGP No. CAS000002, WDRs for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities

APPENDIX III – SITE MAP

Composite Building and Grading Exhibit for North West Village Creek

Exhibit Showing Temporary BMPs for “Demolition Phase” for Northwest Village Creek

Exhibit Showing Temporary BMPs for “Grading and Land Development Phase” for Northwest Village Creek

Exhibit Showing Temporary BMPs for “Streets and Utilities Phase” and “Vertical Construction Phase” for Northwest Village Creek

Construction Site Monitoring Plan (CSMP) Location Map for Northwest Village Creek

APPENDIX IV – CALCULATIONS/ANALYSES

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APPENDIX V – CONSTRUCTION MATERIALS

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List of Potential Pollutant Sources

APPENDIX VI – CONSTRUCTION BMP MANUAL

Excerpts from *Stormwater Best Management Practice Handbook Portal: Construction*, November 2009, prepared by California Storm Water Quality Association (CASQA)

APPENDIX VII – BMP INFORMATION

QSP Implementation Checklist *

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APPENDIX IX – SITE INSPECTIONS

APPENDIX X – CONSTRUCTION SITE MONITORING PROGRAM (CSMP)

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- 2 Visual Monitoring (Inspection) Requirements
 - 2.1 Exemptions for Visual Observation and Sample Collection
- 3 Water Quality Sampling and Analysis
- 4 Storm Water Discharge Water Quality Sampling Locations
- 5 Storm Water Sample Collection and Handling Instructions
- 6 Analytical and Monitoring Methods

APPENDIX XI – CSMP ATTACHMENTS

- A. Blank Forms
 - Visual Observation (Inspection) Form for Qualifying Rain Event **
 - Visual Observation (Inspection) Form for Non-Storm Water Discharge **
 - Sampling Event Worksheet **
- B. Observation (Inspection) Forms
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- C. Reports
- D. Sampling and Analysis Results
 - Sampling Event Worksheet**
 - Contact Information for Analytical Laboratory
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- E. Sample Forms
 - Sample Chain of Custody Form
- F. RWQCB Correspondence: Additional Parameters for Storm Water Sampling

*** - Indicates that a blank form is available in Appendix XI.A*

APPENDIX XII – Record of SMARTS Submittals

Approved Signatory Delegation (original), if applicable
Revised NOIs, if applicable
Annual Report
NOT Application
NOT Receipt of Approval

APPENDIX XIII – RESPONSIBLE PARTIES

List of Responsible Parties (Contact Information Form) *, including

- LRP
- QSD
- QSP
- Sampling Personnel
- Inspection Personnel
- Other SWPPP Implementation Personnel
- Non-Storm Water Management Personnel
- Project Contractors & Sub-Contractors List

APPENDIX XIV – INSPECTION CHECKLISTS

Spill/ Leak History Record

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SWPPP Training, including*:
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QSD
QSP
Personnel Directed by QSP
SWPPP Training and Qualifications Log

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Amendments Form*

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NAL Exceedance Report *
Anticipated Non-Compliance Reporting *
Storm Water Reports

APPENDIX XVIII – SECONDARY CONTAINMENT AND SPILL KIT INVENTORY

Secondary Containment and Spill Kit Inventory *

APPENDIX XIX – OTHER RELATED PERMITS

APPENDIX XX – ACTIVE TREATMENT SYSTEM (ATS) – Not Applicable

ATS Plan

APPENDIX XXI – BIOASSESSMENT – Not Applicable

Study Plan
RWQCB approval for payment in lieu of field study
Other documentation

* - Indicates that a blank form is available in Appendix I.

1.0 SWPPP Certification

1.1 SWPPP Preparer's Certification: Initial Qualified SWPPP Developer (QSD)

Project Name: Northwest Village Creek
WDID: _____

This SWPPP has been prepared for a **Risk Level 1 Traditional Project** in accordance/compliance with the **State Water Resources Control Board (SWRCB)** Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) CGP No. CAS000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities.

Rick Engineering Company certifies (as this term is defined by California Business and Professions Code Section 6735.5) that the information and any design within this Storm Water Pollution Prevention Plan (SWPPP) meets the requirements of the various agencies having jurisdiction over the project and the California Construction General Permit (CGP).

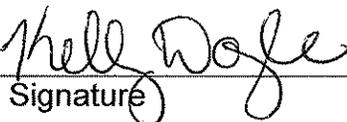
Signed:

Ms. Kelly Doyle, QSD #33
Name of Initial Qualified SWPPP Developer (QSD)

Environmental Project Manager
Title

Rick Engineering Company
Company

619-291-0707
Telephone Number


Signature

1/28/14
Date

2.0 General Information

2.1 Background

This Storm Water Pollution Prevention Plan (SWPPP) has been prepared in accordance with the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) No. CAS000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Construction CGP) (hereto referred to as the CGP).

This SWPPP was prepared for the Northwest Village Creek project, a traditional construction project.

A copy of the 2009-0009-DWQ CGP is included in Appendix II of this SWPPP.

This SWPPP will be implemented concurrently with commencement of soil-disturbing activities associated with new construction. The requirements of the CGP are intended to be implemented on a year-round basis. As stated on the Notice of Intent (NOI), all conditions of the CGP will be complied with. The SWPPP shall be kept at the construction site during construction activity and will be made available upon request to representatives of the Regional Water Quality Control Board (RWQCB).

The SWPPP must be evaluated on an ongoing basis to document the changes and progression of construction activity throughout the life of the project.

2.2 Permit Registration Documents (PRDs)

At the authoring of this SWPPP, the PRDs for the project have not yet been filed. It will be the responsibility of the LRP to electronically submit the PRDs via the SWRCB Storm Water Multiple Application and Report Tracking System (SMARTS) prior to the commencement of construction. Copies of the submittal of the PRDs will be contained in Appendix XII. Copies of any other PRD updates will also be contained in Appendix XII.

2.3 SWPPP Amendments

A Qualified SWPPP Developer (QSD) must prepare and certify each SWPPP Amendment. A SWPPP Amendment should be completed when there is a significant revision to the SWPPP.

Blank forms of the SWPPP Amendment forms are located in Appendix I. Completed SWPPP Amendment forms with the certifications are located in Appendix XVI.

A Change of Information (COI) must be filed via the SWRCB Storm Water Multiple Application and Report Tracking System (SMARTS) in addition to a SWPPP Amendment when there is a change in site acreage or in site ownership. The LRP may

reduce or increase the total acreage covered under the 2009-0009-DWQ CGP when a portion of the site is complete and/or conditions for termination of coverage have been met (see Section 2.4); when ownership of a portion of the site is sold to a different entity; or when new acreage, subject to the 2009-0009-DWQ CGP, is added to the site.

Within 30 days of a reduction or increase in total disturbed acreage, the discharger shall electronically file revisions to the PRDs that include:

- A revised NOI indicating the new project size;
- A revised site map showing the acreage of the site completed, acreage currently under construction, acreage sold/transferred or added, and acreage currently stabilized in accordance with the Conditions for Termination of Coverage in Section II.D of the CGP.
- SWPPP revisions, as appropriate; and
- Certification that any new landowners have been notified of applicable requirements to obtain General Permit coverage. The certification shall include the name, address, telephone number, and e-mail address of the new landowner.
- If the project acreage has increased, dischargers shall mail payment of revised annual fees within 14 days of receiving the revised annual fee notification.

2.4 Notice of Termination

To terminate coverage under the CGP, the LRP will submit a Notice of Termination (NOT) electronically via SMARTS. A “final site map” and photos are required to be submitted with the NOT. Filing an NOT certifies that all CGP requirements have been met. The NOT is submitted when the construction project is complete and within 90 days of meeting all CGP requirements for termination and final stabilization (Section II.D) including:

- The site will not pose any additional sediment discharge risk than it did prior to construction activity.
- All construction related equipment, materials and any temporary BMPs no longer needed are removed from the site.
- Post-construction stormwater management measures are installed and a long-term maintenance plan that is designed for a minimum of five years has been developed.

Post-construction storm water management measures implemented at the Northwest Village Creek project are described in the report titled, “Water Quality Technical Report for Northwest Village Creek Phase 1,” dated January 23, 2014, prepared by Rick Engineering Company (Rick Engineering Company Job Number 13284-II) and can be made available upon request.

The NOT must demonstrate through photos OR **Revised Universal Soil Loss Equation** (RUSLE) results, OR results of testing and analysis that the project meets all of the requirements of Section II.D.1 of the CGP by one of the following methods:

- 70% final cover method (no computational proof required)
- RUSLE/RUSLE2 method (computational proof required)
- Custom method (discharger demonstrates that site complies with final stabilization)

2.5 Availability of the SWPPP

The SWPPP shall be available at the construction site during working hours while construction is occurring and shall be made available upon request by State or Municipal inspectors. Once construction activities are complete (until stabilization is achieved) the SWPPP shall be made available by the LRP.

2.6 Anticipated Non-Compliance Reporting

If there are any anticipated non-compliance discharges for the Northwest Village Creek project, a blank form (located in Appendix I) should be completed. Records of completed forms are retained in Appendix XVII.

This form must be submitted in advance of the planned change in construction activity that may result in non-compliance with the CGP to the Regional Water Quality Control Board (RWQCB) and local storm water management agency (see contact information form in Appendix XIII).

2.7 Certifications

Certification requirements are described in Section IV.J of the CGP.

2.8 Soil Contamination

If soil contamination is found, or suspected, and a responsible party is not identified, or the responsible party fails to promptly take the appropriate action, the LRP shall have those soils sampled and tested to ensure proper handling and public safety measures are implemented. Sampling and testing records shall be retained in Appendix XI. The LRP shall notify the appropriate local, state, and federal agency(ies) when contaminated soil is found at a construction site, and will notify the appropriate RWQCB.

LRP's shall ensure that trench spoils or any other soils disturbed during construction activities that are contaminated are not discharged with storm water or non-storm water discharges into any storm drain or water body except pursuant to an NPDES permit.

2.9 Responsible Parties

Implementation of the SWPPP involves a number of responsible parties including, but not limited to, the Legally Responsible Person (LRP), Approved Signatory (AS) (if applicable), Qualified SWPPP Developer (QSD) and Qualified SWPPP Practitioner (QSP). Additionally, other persons may be specifically responsible for conducting inspections, sampling, and Best Management Practice (BMP) installation under the direction of the QSP. The SWPPP shall also include a list of names of all contractors, subcontractors, and individuals who will be directed by the QSP. Section VII of the CGP states that the LRP must list the name and telephone number of the currently designated QSD. These responsible parties are identified in Appendix XIII.

3.0 Project Information

3.1 Overview

This Storm Water Pollution Prevention Plan (SWPPP) has been prepared for the Northwest Village Creek, a Risk Level 1 traditional construction project (“Project”).

The goal of this SWPPP is to protect overall water quality during construction activities. Construction activities could potentially affect water quality by the storage and handling of various construction-related materials as well as by causing soil erosion or sedimentation. With the implementation of the Best Management Practices (BMPs) outlined in this plan, the potential for the transport of contaminants or sediment to receiving waters will be minimized.

3.2 Project Characteristics

3.2.1 Project Location

The Northwest Village Creek project is located at:	
ADDRESS	504 and 602 Euclid Avenue
CITY, STATE, ZIP CODE	San Diego, California, 92114
LATITUDE / LONGITUDE	32.71178°, -117.08589°

The project location is shown on the Site Map included in Appendix III.

3.2.2 Project Description

This SWPPP has been prepared for a **Risk Level 1 Traditional Project** in accordance/compliance with the **State Water Resources Control Board (SWRCB)** Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) CGP No. CAS000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (CGP). The CGP identifies the following distinct phases of construction activities (listed below). The following phases are anticipated to be applicable to this Project:

- Grading and Land Development Phase,
- Streets and Utilities Phase,
- Vertical Construction Phase,
- Final Landscaping and Site Stabilization and
- Inactive Construction Phase (i.e., 14 or more days of inactivity).

The proposed project is located on the northwest corner of Market Street and Euclid Avenue in the city of San Diego, in San Diego County. The project entails grading of a retail pharmacy pad with associated on-grade parking and off-site improvements along Market Street and Euclid Avenue. The off-site improvements include widening of the Market Street entrance and a median on Euclid Avenue.

The project area will occur on two addresses, 504 and 602 Euclid Avenue. The existing project area is a paved parking lot. The paved parking lot has been used for storage of steel roadway plates for a temporary business. One structure will remain along the outside of the construction site perimeter on the southeastern corner. The business will continue to operate for the duration of the construction period.

The project will be divided into two phases. Phase 1 will entail the demolition of an existing asphalt parking lot, precise grading for a retail pharmacy, demolition of one structure, a temporary access road from Euclid Avenue to the retail pharmacy pad and temporary detention basins. The detention basins will collect runoff from the retail pharmacy pad. This SWPPP addresses the Phase 1 portion of the project only. A Change of Information (COI) and SWPPP Amendment will be prepared to reduce the construction site perimeter by removing the graded retail pharmacy pad. A separate SWPPP will be prepared by the owner of the retail pharmacy that will include the vertical construction of the pharmacy.

The second phase of the project will entail creek improvements and restorations to a portion of Chollas Creek, storm drain improvements and rough grading to fill the temporary detention basins constructed in Phase 1. Another COI and SWPPP Amendment will be prepared to include the portions of Chollas Creek between Market Street and Euclid Avenue. At the authoring of this SWPPP, environmental permits for the creek restoration associated with the second phase of construction had not yet been obtained. It will be the responsibility of the QSP to include these permits within this SWPPP once obtained.

3.2.3 Soil Disturbance and Total Area Estimate

The initial estimated area of soil disturbance for this project is 3.7 acres. Changes to the initial estimate will be documented in the copies of the revised Notice of Intent (NOI) documents submitted to the SWRCB (see Appendix XII) (if applicable).

3.2.4 Site Imperviousness and Run-off Coefficients

Approximately 94% of the pre-project site is impervious. Approximately 49% of the post-project site is impervious. The runoff coefficient pre-construction is 0.92. The runoff post-construction is 0.69.

3.3 Receiving Waters

This section identifies the receiving waters into which the project discharges and the conditions and specific requirements for this project.

- **Receiving Water Information**

Chollas Creek

Hydrologic Unit: Pueblo San Diego (908)

Hydrologic Area: San Diego Mesa (908.2)

Hydrologic Subarea: Chollas (908.22)

○ **Hydrologic Number(s)/Name(s):** 908.22

○ **Surface Water Quality Objectives and Beneficial Uses** applicable to this project's receiving waters (excerpts from the Basin Plan) are contained in Appendix IV.

○ **Specific information for the receiving waterbodies (Las Chollas Creek) listed above (Check all that apply):**

The project is not located within the watershed of a CWA 303(d) impaired water body, for which a TMDL has been approved by the U.S. EPA that identifies "construction activity" or land disturbance as a source of pollution.

Listed on SWRCB's 303(d) list for sedimentation.

Name of Waterbody and List the Impairment:

N/A

A Total Maximum Daily Load (TMDL) has been approved by the U.S. EPA that identifies "construction activity" or land disturbance as a source of pollution.

TMDL Information:

N/A

A TMDL has not yet been adopted for this impairment.

The project is not located within the watershed of a CWA 303(d) impaired water body, for which a TMDL has been approved by the U.S. EPA.

Listed on SWRCB's 303(d) list:

Name of Waterbody and List the Impairment:

Chollas Creek

A Total Maximum Daily Load (TMDL) has been approved by the U.S. EPA

TMDL Information:

Diazinon (TMDL, approved on November 3, 2003)

Copper, Lead and Zinc (TMDL approved on December 18, 2008)

A TMDL has not yet been adopted for this impairment.

Indicator Bacteria (expected completion date in 2005)

Trash (expected completion date in 2021)

Construction, BMP Implementation and Maintenance Schedules

Estimated Date Construction will begin: March 24, 2014
Estimated Completion Date: October 31, 2014

Applicable BMPs identified in this SWPPP are to be installed concurrently with the initiation of work and as work progresses at each location and will be routinely inspected and maintained by the QSP.

The inspection and maintenance of post-construction BMPs are described in the report titled, "Water Quality Technical Report for Northwest Village Creek Phase 1" prepared by Rick Engineering Company (Job Number 13284-II) and can be made available by the owner upon request. Post-construction BMPs are also identified on the exhibit titled, "Exhibit Showing Final Landscaping and Site Stabilization Phase for Northwest Village Creek," located in Appendix III.

3.5 Site Maps and Diagrams

The Site Maps are included in Appendix III.

The Site Maps show (if applicable):

- The project's surrounding area (vicinity);
- Site layout;
- Construction site boundaries;
- Locations of sensitive habitats, watercourses, or other features which are not to be disturbed;
- Areas of soil disturbance (temporary or permanent);
- Active areas of soil disturbance (cut or fill);
- Drainage areas;
- Discharge locations;
- Locations of all BMPs;
- Locations of storage areas for waste, vehicles, service, loading/unloading of materials, access (entrance/exits) points to construction site, fueling, and water storage, water transfer for dust control and compaction practices;
- Sampling locations;
- Locations of all post-construction BMPs.

It will be the responsibility of the QSP to identify locations of storage areas for waste, vehicles, service, loading/unloading of materials, access (entrance/exits) points to construction site, fueling, and water storage, water transfer for dust control and compaction practices on the Site Maps. The QSP will also be responsible to document the day-to-day installation and maintenance of BMPs on these maps.

3.6 Other Permits

The following includes a list of other local, state, and federal plans, permits and agreements that apply to this project have been included by reference:

City of San Diego Municipal Code 22.800-22.808

4.0 Risk Level 1 Requirements

4.1 Risk Determination

A Risk Determination has been conducted for the Northwest Village Creek project and this project has been determined to be a Risk Level 1 project. The documentation for the Risk Determination is located in Appendix IV.

A. Effluent Standards

This project must meet **narrative** effluent standards.

This project is a Risk Level 1 project, therefore **numeric** effluent standards are not applicable.

4.2 Good Site Management “Housekeeping”

The following sections describe specific measures to be implemented based on the risk level for this project. Tables have been provided for each measure described in the CGP Attachment C that is applicable to the project’s risk level.

The first column of the table provides a measure identification number that corresponds to the applicable measure in the next column. The measures listed in the second column are required for Risk Level 1 projects.

The third column of the table describes whether this measure is applicable for the project.

The fourth column provides one or more BMP options that correspond to each required measure. These BMP Options(s) are references to the California Storm Water Quality Association (CASQA) Construction BMP Handbook dated November 2009 (or “BMP Manual”).

The fifth column of the table identifies the location within the SWPPP that contains the information applicable to the fourth column. The information in the fourth column is either a BMP Option or an inventory form.

Locations of the applicable measures and BMP Options are identified on the Site Maps located in Appendix III. The initial layout of the BMPs has been identified by the initial QSD (SWPPP Preparer) as part of the preparation of the SWPPP, with the exception of information that was not known at the authoring of this SWPPP, such as storage areas for waste, vehicles, service, loading/unloading of materials, access (entrance/exits) points to construction site, fueling, and water storage, water transfer for dust control and compaction practices. As site conditions change, it will be the responsibility of the QSP to make all revisions necessary.

The initial QSD prepared the tables below as part of the preparation of this SWPPP. It is the responsibility of the QSP to review these tables during the course of the project to determine if updates are required. In addition, a QSP Implementation Checklist has been provided in Appendix VII to document the updates as applicable.

This section addresses good site management (i.e., "housekeeping") practices, including practices for:

- A. Construction Materials;
- B. Waste Management;
- C. Vehicle Storage and Maintenance;
- D. Landscape Materials;
- E. Assessment of Potential Pollutant Sources; and
- F. Air Deposition

Tables have been provided for each good housekeeping measure described in the above sections, with the exception of Section E. Section E describes specific actions that must be taken to comply with the permit.

Each of the following measures is an element of Good Site Management "Housekeeping" as described in the CGP.

A. Good Site Management (“Housekeeping”) Measures for Construction Materials at a minimum, shall consist of the following:

Construction Materials Measure ID No.	Construction Materials Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
CM-a	Conduct an inventory of the products used and/or expected to be used and the end products that are produced and/or expected to be produced.	X		QSP must conduct an inventory	Appendix V ¹
CM-b	Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).	X		<input checked="" type="checkbox"/> SE-1 <input checked="" type="checkbox"/> SE-5 <input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-3 <input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-6 <input checked="" type="checkbox"/> WM-7 <input checked="" type="checkbox"/> WM-8 <input checked="" type="checkbox"/> WM-10	Appendix VI
CM-c	Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).	X		<input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-3 <input checked="" type="checkbox"/> WM-4 <input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-6 <input checked="" type="checkbox"/> WM-7 <input checked="" type="checkbox"/> WM-8 <input checked="" type="checkbox"/> WM-9 <input checked="" type="checkbox"/> WM-10	Appendix VI

A. Good Site Management (“Housekeeping”) Measures for Construction Materials at a minimum, shall consist of the following:

Construction Materials Measure ID No.	Construction Materials Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
CM-d	Minimize exposure of construction materials to precipitation.	X		<input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-3 <input checked="" type="checkbox"/> WM-4 <input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-6 <input checked="" type="checkbox"/> WM-7 <input checked="" type="checkbox"/> WM-8 <input checked="" type="checkbox"/> WM-9 <input checked="" type="checkbox"/> WM-10	Appendix VI
CM-e	Implement BMPs to prevent the off-site tracking of loose construction and landscape materials.	X		<input checked="" type="checkbox"/> TC-1	Appendix VI

¹ QSP to review List of Potential Pollutant Sources in Appendix V and complete an Inventory of Potential Pollutant Sources planned to be used or stored at the project site in Appendix V as well.

***** If BMP is not applicable, explain why here.**

B. Good Site Management (“Housekeeping”) Measures for Waste Management at a minimum, shall consist of the following:

Waste Management Measure ID No.	Waste Management Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
WM-a	Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.	X		<input checked="" type="checkbox"/> NS-1 <input checked="" type="checkbox"/> NS-2 <input checked="" type="checkbox"/> NS-3 <input checked="" type="checkbox"/> NS-4 <input checked="" type="checkbox"/> NS-5 <input checked="" type="checkbox"/> NS-6 <input checked="" type="checkbox"/> NS-7 <input checked="" type="checkbox"/> NS-8 <input checked="" type="checkbox"/> NS-9 <input checked="" type="checkbox"/> NS-10 <input checked="" type="checkbox"/> NS-11 <input checked="" type="checkbox"/> NS-12 <input checked="" type="checkbox"/> NS-13 <input checked="" type="checkbox"/> NS-15 <input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-3 <input checked="" type="checkbox"/> WM-4 <input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-8 <input checked="" type="checkbox"/> WM-9 <input checked="" type="checkbox"/> WM-10	Appendix VI
WM-b	Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.	X		<input checked="" type="checkbox"/> WM-9	Appendix VI
WM-c	Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.	X		<input checked="" type="checkbox"/> WM-9	Appendix VI

B. Good Site Management (“Housekeeping”) Measures for Waste Management at a minimum, shall consist of the following:

Waste Management Measure ID No.	Waste Management Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
WM-d	Cover waste disposal containers at the end of every business day and during a rain event.	X		<input checked="" type="checkbox"/> WM-4 <input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-8 <input checked="" type="checkbox"/> WM-9 <input checked="" type="checkbox"/> WM-10	Appendix VI
WM-e	Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.	X		<input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-8 <input checked="" type="checkbox"/> WM-9 <input checked="" type="checkbox"/> WM-10	Appendix VI
WM-f	Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.	X		<input checked="" type="checkbox"/> WM-5 <input checked="" type="checkbox"/> WM-8	Appendix VI
WM-g	Implement procedures that effectively address hazardous and non-hazardous spills.	X		<input checked="" type="checkbox"/> WM-4	Appendix VI
WM-h	Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require that: <ul style="list-style-type: none"> Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly; and Appropriate spill response personnel are assigned and trained. 	X		<input checked="" type="checkbox"/> WM-4	-Appendix VI. -For spill response personnel, see Appendix XIII. -For relevant training see Appendix XV.

B. Good Site Management ("Housekeeping") Measures for Waste Management at a minimum, shall consist of the following:

Waste Management Measure ID No.	Waste Management Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
WM-i	Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.	X		<input checked="" type="checkbox"/> WM-8	Appendix VI

*** If BMP is not applicable, explain why here.

D. Good Site Management (“Housekeeping”) Measures for Landscape Materials at a minimum, shall consist of the following:

Landscape Materials Measure ID No.	Landscape Materials Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
LM-a	Contain stockpiled materials such as mulches and topsoil when they are not actively being used.	X		<input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-3	Appendix VI
LM-b	Contain fertilizers and other landscape materials when they are not actively being used.	X		<input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-10	Appendix VI
LM-c	Discontinue the application of any erodible landscape material within 2 days before a forecasted rain event ² or during periods of precipitation.	X		<input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-10	Appendix VI
LM-d	Apply erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.	X		<input checked="" type="checkbox"/> WM-2 <input checked="" type="checkbox"/> WM-10	Appendix VI
LM-e	Stack erodible landscape material on pallets and covering or storing such materials when not being used or applied.	X		<input checked="" type="checkbox"/> WM-1 <input checked="" type="checkbox"/> WM-3	Appendix VI

² Excerpt from CGP – 50% or greater chance of producing precipitation.

*** If BMP is not applicable, explain why here.

E. Good Housekeeping for Assessment of Potential Pollutant Sources:

Pollutant sources will be dynamic over the life of the construction project due to the various phases of construction.

An assessment of construction materials that may be used and activities that will be performed during this project that may have the potential to contribute pollutants, other than sediment, to storm water runoff for the project is located in Appendix V. The QSP must review the list throughout the life of the project and update it accordingly.

In addition, a history of leaks or spills is maintained in Appendix XIV, if applicable.

4.3 Non-Storm Water Management

All non-storm water discharges are required to be controlled. BMPs must be implemented for construction related activities that are potential sources of discharges other than storm water.

Allowable non stormwater discharges anticipated to be encountered in this project include the following:

Potable Water Including Uncontaminated Water Line Flushing

Domestic water lines will be flushed prior to completion. The owner or contractor of the water line will confirm that there are no chemicals or other pollutants contained in the water. Most of the discharge will infiltrate into the ground due to the permeability of existing soils. Any run off will be diverted away from disturbed soils and into the storm drain system via a paved surface or lined channel so that erosion, scour and sediment laden discharges will be avoided. Contractor will place gravel bag check dams in the drainage swale to slow the velocity of the discharge. Contractor will verify that velocity dissipaters are installed, maintained and functioning prior to the discharge. Contractor will monitor discharged water and cease operations in the event sediment or other pollutants are being discharged as a result of the uncontaminated water line flushing.

All discharges of Hydrostatic Test Water and Potable Water which occur within the San Diego Region will be conducted in accordance with Order No. R9-2010-0003, if applicable. It is the responsibility of the owner to apply for and comply with all requirements of Order No. R9-2010-0003, if applicable. The owner may direct the contractor to obtain coverage under Order No. R9-2010-0003. If a permit is obtained, a copy will be provided in Appendix XIX. Examples of BMPs related to hydrostatic test water and potable water discharges from the CASQA BMP Manual have been included in Appendix VI in the BMP Fact Sheet titled, "Potable Water/Irrigation" (NS-7).

Landscape Irrigation

Irrigation water will be sprayed on permeable surfaces only. Landscape irrigation areas will be monitored to prevent over watering. Watering times and schedules will be adjusted in the event there is surface run off from the irrigated areas.

Fire Hydrant Flushing

In the event there is a need to flush the fire hydrant the person performing the operation will ascertain from the owner, contractor of the water line, or, fire department that there are no chemicals or other pollutants contained in the water. The flushed water will be diverted away from disturbed soils and into the storm drain system via a paved surface or lined channel so that erosion, scour and sediment laden discharges will be avoided. Contractor will place gravel bag check dams in the drainage swale to slow the velocity of the discharge. Contractor will verify that velocity dissipaters are installed, maintained and functioning prior to the discharge. Contractor will monitor discharged water and cease operations in the event sediment or other pollutants are being discharged as a result of the fire hydrant flushing.

Waters to Control Dust

Dust control will be implemented when wind exceed 15 MPH or when there is visible dust generated from the site via a small diameter (3/4" to 1") fire or garden hose or with a water truck depending on the area being serviced. All efforts will be made not to over apply the water spray to avoid any surface run off. In the event there is surface run off it will be controlled with the use of perimeter silt fence. Any discharges from the property will be observed and operations ceased if levels of sediment in the discharge pose a negative impact on the drainage system or receiving waters.

Dewatering (Discharge of Poned/Retained Storm Water to Surface Waters)

It is the responsibility of the owner/contractor to contact the appropriate California Regional Water Quality Control Board (Regional Board) to see if a permit is required for this activity. If the Regional Board does not require a permit for this activity and there is a situation where there is a "bathtub" (i.e., street widening) and a storm event occurs during construction, the water needs to be removed. The water must be pumped into an open area, with vegetation, so that it can naturally percolate into the ground and not discharge into the storm drain system. Examples of BMPs related to ponded water discharges from the CASQA BMP Manual have been included in Appendix VI in the BMP Fact Sheet titled, "Dewatering Operations" (NS-2).

Groundwater Extraction (Dewatering)

All discharges of groundwater which occur within the San Diego Bay Region will be conducted in accordance with Order No. R9-2007-0034, if applicable. It is the responsibility of the owner to apply for and comply with all requirements of Order No. R9-2007-0034, if applicable. The owner may direct the contractor to obtain coverage under Order No. R9-2007-0034. If a permit is obtained, a copy will be provided in Appendix XIX. Examples of BMPs related to groundwater dewatering from the Caltrans BMP Manual have been included in Appendix VI in the BMP Fact Sheet titled, "Dewatering Operations" (NS-2).

Implement the following measures to control all Non-Storm Water Discharges during construction:

Non-Storm Water Management Measure ID No.	Non-Storm Water Management Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
NSWM-a	Implement measures to control all non-storm water discharges during construction.	X		<input checked="" type="checkbox"/> NS-1 <input checked="" type="checkbox"/> NS-3 <input checked="" type="checkbox"/> NS-6 <input checked="" type="checkbox"/> NS-7 <input checked="" type="checkbox"/> NS-8 <input checked="" type="checkbox"/> NS-9 <input checked="" type="checkbox"/> NS-10 <input checked="" type="checkbox"/> NS-12 <input checked="" type="checkbox"/> NS-13	Appendix VI
NSWM-b	Wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.	X		<input checked="" type="checkbox"/> NS-8	Appendix VI
NSWM-c	Clean streets in such a manner as to prevent non-storm water discharges from reaching surface water or MS4 drainage systems.	X		<input checked="" type="checkbox"/> SE-7	Appendix VI

*** If BMP is not applicable, explain why here.

4.4 Erosion Control Measures

Erosion is the detachment of soil from existing landscapes by water or wind. Erosion is a natural process that can be accelerated by construction activities such as grading or trenching. For example, when a site is cleared or grubbed, protective vegetation is removed and the disturbed soil is directly exposed to wind and water. Erosion controls protect the surface and prevent the soil particles from being detached by rainfall or wind. BMPs for erosion control include soil stabilization.

Erosion Control measures, at a minimum, shall consist of the following:

Erosion Control Measure ID No.	Erosion Control Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
ECM-a	Implement effective wind erosion control.	X		<input checked="" type="checkbox"/> WE-1	Appendix VI
ECM-b	Provide effective soil cover for inactive ³ areas and all finished slopes, open space, utility backfill, and completed lots.	X		<input checked="" type="checkbox"/> EC-1 <input checked="" type="checkbox"/> EC-2 <input checked="" type="checkbox"/> EC-3 <input checked="" type="checkbox"/> EC-4 <input checked="" type="checkbox"/> EC-5 <input checked="" type="checkbox"/> EC-7 <input checked="" type="checkbox"/> EC-8 <input checked="" type="checkbox"/> EC-9 <input checked="" type="checkbox"/> EC-10 <input checked="" type="checkbox"/> EC-11 <input checked="" type="checkbox"/> EC-12 <input checked="" type="checkbox"/> EC-14 <input checked="" type="checkbox"/> EC-15 <input checked="" type="checkbox"/> EC-16	Appendix VI
ECM-c	Limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the LRP shall consider the use of plastic materials resistant to solar degradation.	X		<input checked="" type="checkbox"/> EC-7	Appendix VI

³ Inactive areas of construction are areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days.

***** If BMP is not applicable, explain why here.**

4.5 Sediment Control Measures

Sediment Control measures, at a minimum, shall consist of the following:

Sediment Control Measure ID No,	Sediment Control Measure	Applicable to Project?		BMP Option (check applicable option(s))	Location in SWPPP
		Yes	No***		
SC-a	Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.	X		<input checked="" type="checkbox"/> SE-1 <input checked="" type="checkbox"/> SE-3 <input checked="" type="checkbox"/> SE-4 <input checked="" type="checkbox"/> SE-5 <input checked="" type="checkbox"/> SE-6 <input checked="" type="checkbox"/> SE-7 <input checked="" type="checkbox"/> SE-10 <input checked="" type="checkbox"/> SE-12 <input checked="" type="checkbox"/> SE-13 <input checked="" type="checkbox"/> SE-14	Appendix VI
SC-b	On sites where sediment basins are to be used, at a minimum, design sediment basins according to the method provided in CASQA's Construction BMP Guidance Handbook		X	<input type="checkbox"/> SE-2	Appendix VI

***** If BMP is not applicable, explain why here.**

SC-b: Sediment Basins are not proposed for this project.

4.7 Inspection, Maintenance and Repair

Inspection, maintenance and repair activities shall be performed by the QSP or a trained individual supervised by a QSP.

For each inspection required, Risk Level 1 projects shall complete a Site Inspection Form. Prior to conducting a site inspection, obtain weather information at the following website: <http://www.srh.noaa.gov/forecast> and attach the information to the Inspection Form.

Upon identifying failures or other shortcomings, as directed by the QSP, the project shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible.

Project Specific Inspection Requirements:

The inspection forms shall remain onsite with the SWPPP and at a minimum shall include:

- a. Inspection date and date the inspection report was written.
- b. Weather information (rain gauge), including presence or absence of precipitation, estimate of beginning of qualifying storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall in inches.
- c. Site information, including stage of construction, activities completed, and approximate area of the site exposed.
- d. A description of any BMPs evaluated and any deficiencies noted.
- e. If the construction site is safely accessible during inclement weather, list the observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list the results of visual inspections at all relevant outfalls, discharge points, downstream locations and any projected maintenance activities.
- f. Report the presence of noticeable odors or of any visible sheen on the surface of any discharges.
- g. Any corrective actions required, including any necessary changes to the SWPPP and the associated implementation dates.
- h. Photographs taken during the inspection, if any. These photos should be representative of actual site conditions, and be time stamped (dated).
- i. Inspector's name, title, and signature.

The frequency of the inspections shall be conducted at the following frequency, as defined in Attachment C Section G.2 of the CGP:

- Weekly
- At least once each 24-hour period during extended storm events.

Blank Inspection Forms are located in Appendix I. Completed Site Inspection Forms are retained in Appendix IX.

4.8 Rain Event Action Plan (REAP)

The Northwest Village Creek project is a Risk Level 1, therefore a REAP is not required.

5.0 Construction Site Monitoring Program (CSMP)

The Construction Site Monitoring Program (CSMP) for this project is located in Appendix X of this SWPPP.

6.0 Recordkeeping

For electronic submittal instructions, refer to Attachment B of the CGP.

Records of all storm water monitoring information and copies of all reports (including Annual Reports) shall be retained for a period of at least three years. If, after three years the RWQCB has not required the records to be retained for a longer period, these records shall be managed in accordance with the company's record retention policy. All records shall be retained on-site while construction is ongoing. These records include:

- The date, place, time of facility inspections, sampling, visual observation (inspections), and/or measurements, including precipitation;
- The individual(s) who performed the facility inspections, sampling, visual observation (inspections), and or measurements; for laboratory analysis, all sampling, sample preservation, and analyses must be conducted according to test procedures under 40 CFR Part 136. Field discharge samples shall be collected and analyzed according to the specifications of the manufacturer of the sampling devices employed;
- The date and approximate time of analyses;
- The individual(s) who performed the analyses;
- A summary of all analytical results from the last three years, the method detection limits and reporting units, and the analytical techniques or methods used, and the chain of custody forms;
- Rain gauge readings from visual observations (inspections);
- Quality assurance/quality control records and results;
- Non-storm water discharge inspections and visual observation (inspections) and storm water discharge visual observation records (see Attachment C Sections I.3 and I.6 of the CGP);
- Visual observation and sample collection exception records (see Attachment C Section I.4 of the CGP), including the corrective actions taken in response to the observations;
- The records of any corrective actions and follow-up activities that resulted from analytical results, visual observation (inspections), or inspections; and
- All field and/or analytical data.

Copies of the Annual Reports are stored in Appendix XVII. All other monitoring records can be found in Appendix XI in this SWPPP.

6.1 Annual Reports

The Annual Report must be certified by the LRP or AS. Records of Annual Reports are maintained in Appendix XVII of this SWPPP.

The LRP or AS shall prepare and electronically submit an Annual Report on SMARTS no later than September 1 of each year. The reporting period for each Annual Report is July 1 – June 30.

Refer to the CGP Section XVI for all pertinent submittal requirements.

7.0 Training

The LRP or Approved Signatory (AS) shall ensure that all persons responsible for implementing requirements of the CGP are appropriately trained in accordance with the requirements described in Section VII of the CGP.

The LRP or AS shall provide documentation of all training for persons responsible for implementing the requirements of the CGP in the Annual Reports.

Storm water pollution prevention training should be provided regularly by the LRP or AS. Topics can include, but are not limited to:

- spill prevention and response;
- inspections;
- annual reporting;
- locations and functions of sediment/erosion control devices;
- good housekeeping;
- sampling;
- fines and penalties; and
- material management practices.

Blank Training Logs can be found in Appendix I. Attendance records should be kept for each training session in Appendix XV. Training relevant for the QSD, QSP and individuals supervised by the QSP are also located in Appendix XV.

APPENDIX I – BLANK FORMS

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Record of SMARTS SUBMITTALS (Store Completed Forms in Appendix XII)

Project Name Northwest Village Creek
WDID Number

This SMARTS Submittal occurred on the following date:

Print a copy of the SMARTS page to document the submittal.

The following documents were submitted electronically to the SWRCB (check which is applicable):

- Risk Assessment (attachments stored in Appendix XII)
- Other: _____
- Other: _____
- Other: _____
- Other: _____

**SWPPP AMENDMENT FORM – CERTIFIED BY A QSD
(Store Completed Forms in Appendix XVI)**

Project Name Northwest Village Creek
WDID Number _____

DATE:	BY:	DESCRIPTION:

This SWPPP Amendment has been prepared for a **Traditional Project** in accordance/compliance with the **State Water Resources Control Board (SWRCB)** Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities.

I certify (as this term is defined by California Business and Professions Code Section 6735.5) that the information and any design within this SWPPP Amendment meets the requirements of the various agencies having jurisdiction over the project and the California Construction General Permit (CGP).

QSD's Name

Title

Company

Telephone Number

Signature

Date

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**NOTIFICATION OF ANTICIPATED NON-COMPLIANCE
(Store Completed Forms in Appendix XVII)**

This form will be used to report instances of anticipated non-compliance. The LRP must provide advanced notice to the local Regional Water Quality Control Board and local Storm Water Management Agency (see Appendix XIII for the relevant contact information).

Project Name Northwest Village Creek

WDID Number

In accordance/compliance with the **State Water Resources Control Board** (SWRCB) Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002 Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities, the following discharge is anticipated:

Nature of planned change in construction activity that may result in non-compliance with CGP requirements:

Date, time, and location of anticipated discharge:

Name of LRP *

Title

Company

Telephone Number

Signature

Date

*If approved signatory for the LRP, include delegation of authority in Appendix XII.

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**SWPPP TRAINING AND QUALIFICATIONS FORM
(Store Completed Form in Appendix XV)**

Project Name Northwest Village Creek

WDID Number

Training Location:

Trainer(s): **Date:**

TRAINING TOPICS COVERED

- Review and Discussion of SWPPP
- General BMPs for Site and Materials Management
- BMPs for Erosion and Sediment Control
- Spill or Release Response
- Proper Selection of BMPs
- Proper BMP Implementation/Maintenance Techniques
- Review and Discussion of SWPPP Inspection Requirements
- Review and Discussion of Sampling Requirements
- Sampling and Monitoring
- Record Keeping
- Other:

NAME OF ATTENDEE	AREA OF RESPONSIBILITY	COMPANY NAME	PHONE NUMBER
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>	<u> </u>

Qualified SWPPP Developer (QSD) Qualifications

Name of QSD | |
 Project Name | |
 WDID Number | |

The Qualified SWPPP Developer (QSD) holds the following registration(s) and/or certification(s):

(Check all that apply and include a copy of the registration(s) and/or certification(s)):

- A California registered professional civil engineer;
- A California registered professional geologist or engineering geologist;
- A California registered landscape architect;
- A professional hydrologist registered through the American Institute of Hydrology;
- A Certified Professional in Erosion and Sediment Control (CPESC)[™] registered through Enviro Cert, International, Inc.;
- A Certified Professional in Storm Water Quality (CPSWQ)[™] registered through Enviro Cert, International, Inc.; or
- A professional in erosion and sediment control registered through the National Institute for Certification in Engineering Technologies (NICET).

-- AND --

The QSD attended formal State Water Board sponsored or approved QSD training course on the following date *:

Date: | |
 Name of Course: | |
 Presented by: | |

A copy of the certification of attendance is attached.

* A requirement as of September 2, 2011

Qualified SWPPP Practitioner (QSP) Qualifications

Name of QSP	
Project Name	
WDID Number	

The Qualified SWPPP Practitioner (QSP)* holds the following registration(s) and/or certification(s):

Check all that apply and include a copy of the registration(s) and/or certification(s):

- Qualified SWPPP Developer (QSD)
- A certified erosion, sediment and storm water inspector registered through Enviro Cert, International, Inc. (CESSWI); or
- A certified inspector of sediment and erosion control registered through Certified Inspector of Sediment and Erosion Control, Inc. (CISEC)

* A requirement as of September 2, 2011, the QSP shall be either a QSD or have one of the above certifications:

-- AND --

The QSP attended formal State Water Board sponsored or approved QSP training course on the following date **:

Date: || _____

Name of Course: || _____

Presented by: || _____

A copy of the certification of attendance is attached.

** A requirement as of September 2, 2011

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QSP IMPLEMENTATION CHECKLIST

(Store Completed Forms in Appendix VII)

Project Name	Northwest Village Creek
WDID Number	

The QSP completes this checklist prior to each phase of construction.

Phase of construction: _____

A. Good Site Management ("Housekeeping") Measures for Construction Materials:

Construction Materials Measure ID No.	Construction Materials Measures	BMP Option		Alternative BMP Option *Describe why BMP was not implemented	
		Implemented?			
		Y	N*		
CM-b	Cover and berm loose stockpiled construction materials that are not actively being used (i.e. soil, spoils, aggregate, fly-ash, stucco, hydrated lime, etc.).	SE-1 SE-5 WM-1 WM-2 WM-3 WM-4 WM-5 WM-6 WM-7 WM-8 WM-9 WM-10	<input type="checkbox"/>	<input type="checkbox"/>	
CM-c	Store chemicals in watertight containers (with appropriate secondary containment to prevent any spillage or leakage) or in a storage shed (completely enclosed).	WM-1 WM-2 WM-3 WM-4 WM-5 WM-6 WM-7 WM-8 WM-9 WM-10	<input type="checkbox"/>	<input type="checkbox"/>	
CM-d	Minimize exposure of construction materials with precipitation.	WM-1 WM-2 WM-3 WM-4 WM-5 WM-6 WM-7 WM-8 WM-9 WM-10	<input type="checkbox"/>	<input type="checkbox"/>	
CM-e	Implement BMPs to prevent the off-site tracking of loose construction and landscape materials	TC-1	<input type="checkbox"/>	<input type="checkbox"/>	

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QSP IMPLEMENTATION CHECKLIST

B. Good Site Management (“Housekeeping”) Measures for Waste Management:

Waste Management Measure ID No.	Waste Management Measure	BMP Option		Alternative BMP Option	
		Implemented?		*Describe why BMP was not implemented	
		Y	N*		
WM-a	Prevent disposal of any rinse or wash waters or materials on impervious or pervious site surfaces or into the storm drain system.	NS-1 NS-2 NS-3 NS-4 NS-5 NS-6 NS-7 NS-8 NS-9 NS-10 NS-11 NS-12 NS-13 NS-15 WM-1 WM-2 WM-3 WM-4 WM-5 WM-8 WM-9 WM-10			
WM-b	Ensure the containment of sanitation facilities (e.g., portable toilets) to prevent discharges of pollutants to the storm water drainage system or receiving water.	WM-9			
WM-c	Clean or replace sanitation facilities and inspecting them regularly for leaks and spills.	WM-9			
WM-d	Cover waste disposal containers at the end of every business day and during a rain event.	WM-4 WM-5 WM-8 WM-9 WM-10			
WM-e	Prevent discharges from waste disposal containers to the storm water drainage system or receiving water.	WM-5 WM-8 WM-9 WM-10			
WM-f	Contain and securely protect stockpiled waste material from wind and rain at all times unless actively being used.	WM-5 WM-8			
WM-g	Implement procedures that effectively address hazardous and non-hazardous spills.	WM-4			

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QSP IMPLEMENTATION CHECKLIST

Waste Management Measure ID No.	Waste Management Measure	BMP Option			Alternative BMP Option
		Implemented?		*Describe why BMP was not implemented	
		Y	N*		
WM-h	Develop a spill response and implementation element of the SWPPP prior to commencement of construction activities. The SWPPP shall require that: <ul style="list-style-type: none"> Equipment and materials for cleanup of spills shall be available on site and that spills and leaks shall be cleaned up immediately and disposed of properly; and Appropriate spill response personnel are assigned and trained. 	WM-4			
WM-i	Ensure the containment of concrete washout areas and other washout areas that may contain additional pollutants so there is no discharge into the underlying soil and onto the surrounding areas.	WM-8			

C. Good Site Management ("Housekeeping") Measures for Vehicle Storage and Maintenance:

Vehicle Storage and Maintenance Measure ID No.	Vehicle Storage and Maintenance Measure	BMP Option			Alternative BMP Option
		Implemented?		*Describe why BMP was not implemented	
		Y	N*		
VSM-a	Prevent oil, grease, or fuel to leak in to the ground, storm drains or surface waters.	NS-8 NS-9 NS-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VSM-b	Place all equipment or vehicles, which are to be fueled, maintained and stored in a designated area fitted with appropriate BMPs.	NS-8 NS-9 NS-10 WM-4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VSM-c	Clean leaks immediately and disposing of leaked materials properly.	NS-10 WM-4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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QSP IMPLEMENTATION CHECKLIST

D. Good Site Management ("Housekeeping") Measures for Landscape Materials:

Landscape Materials Measure ID No.	Landscape Materials Measure	BMP Option			Alternative BMP Option *Describe why BMP was not implemented
		Implemented?			
		Y	N*		
LM-a	Contain stockpiled materials such as mulches and topsoil when they are not actively being used.	WM-1 WM-2 WM-3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LM-b	Contain fertilizers and other landscape materials when they are not actively being used.	WM-1 WM-2 WM-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LM-c	Discontinuing the application of any erodible landscape material within 2 days before a forecasted rain event ¹ or during periods of precipitation.	WM-2 WM-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LM-d	Apply erodible landscape material at quantities and application rates according to manufacture recommendations or based on written specifications by knowledgeable and experienced field personnel.	WM-2 WM-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LM-e	Stacking erodible landscape material on pallets and covering or storing such materials when not being used or applied.	WM-1 WM-3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹ Excerpt from CGP – 50% or greater chance of producing precipitation.

F. Good Site Management ("Housekeeping") Measures for Air Deposition:

Air Deposition Measure ID No.	Air Deposition Measure	BMP Option			Alternative BMP Option *Describe why BMP was not implemented
		Implemented?			
		Y	N*		
AD-a	Control the air deposition of site materials and from site operations. Such particulates can include, but are not limited to, sediment, nutrients, trash, metals, bacteria, oil and grease and organics.	WE-1 TC-1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORIGINAL - MAKE COPIES

QSP IMPLEMENTATION CHECKLIST

G. Good Site Management ("Housekeeping") Measures for Non-Storm Water Management:

Non-Storm Water Management Measure ID No.	Non-Storm Water Management Measure	BMP Option		Alternative BMP Option *Describe why BMP was not implemented	
		Implemented?			
		Y	N*		
NSWM-a	Implement measures to control all non-storm water discharges during construction.	NS-1 NS-3 NS-6 NS-7 NS-8 NS-9 NS-10 NS-12 NS-13	<input type="checkbox"/>	<input type="checkbox"/>	
NSWM-b	Wash vehicles in such a manner as to prevent non-storm water discharges to surface waters or MS4 drainage systems.	NS-8	<input type="checkbox"/>	<input type="checkbox"/>	
NSWM-c	Clean streets in such a manner as to prevent non-storm water discharges from reaching surface water or MS4 drainage systems.	SE-7	<input type="checkbox"/>	<input type="checkbox"/>	

ORIGINAL - MAKE COPIES

QSP IMPLEMENTATION CHECKLIST

H. Good Site Management ("Housekeeping") Measures for Erosion Control:

Erosion Control Measure ID No.	Erosion Control Measure	BMP Option		Alternative BMP Option *Describe why BMP was not implemented	
		Implemented?			
		Y	N*		
ECM-a	Effective wind erosion control	WE-1	<input type="checkbox"/>	<input type="checkbox"/>	
ECM-b	Provide effective soil cover for inactive ² areas and all finished slopes, open space, utility backfill, and completed lots.	EC-1 EC-2 EC-3 EC-4 EC-5 EC-7 EC-8 EC-9 EC-10 EC-11 EC-12 EC-14 EC-15 EC-16	<input type="checkbox"/>	<input type="checkbox"/>	
ECM-c	Limit the use of plastic materials when more sustainable, environmentally friendly alternatives exist. Where plastic materials are deemed necessary, the discharger shall consider the use of plastic materials resistant to solar degradation.	EC-7	<input type="checkbox"/>	<input type="checkbox"/>	

² Inactive areas of construction are areas of construction activity that have been disturbed and are not scheduled to be re-disturbed for at least 14 days.

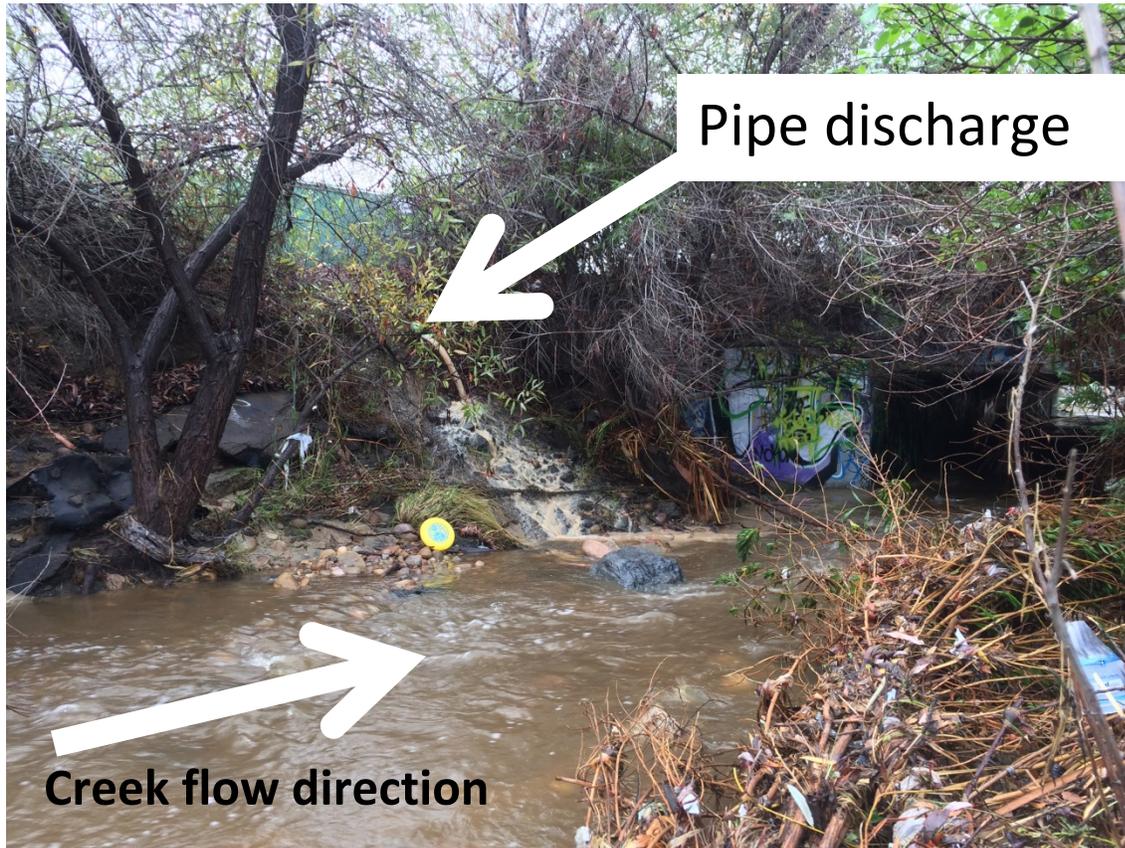
ORIGINAL - MAKE COPIES

QSP IMPLEMENTATION CHECKLIST

I. Good Site Management ("Housekeeping") Measures for Sediment Control:

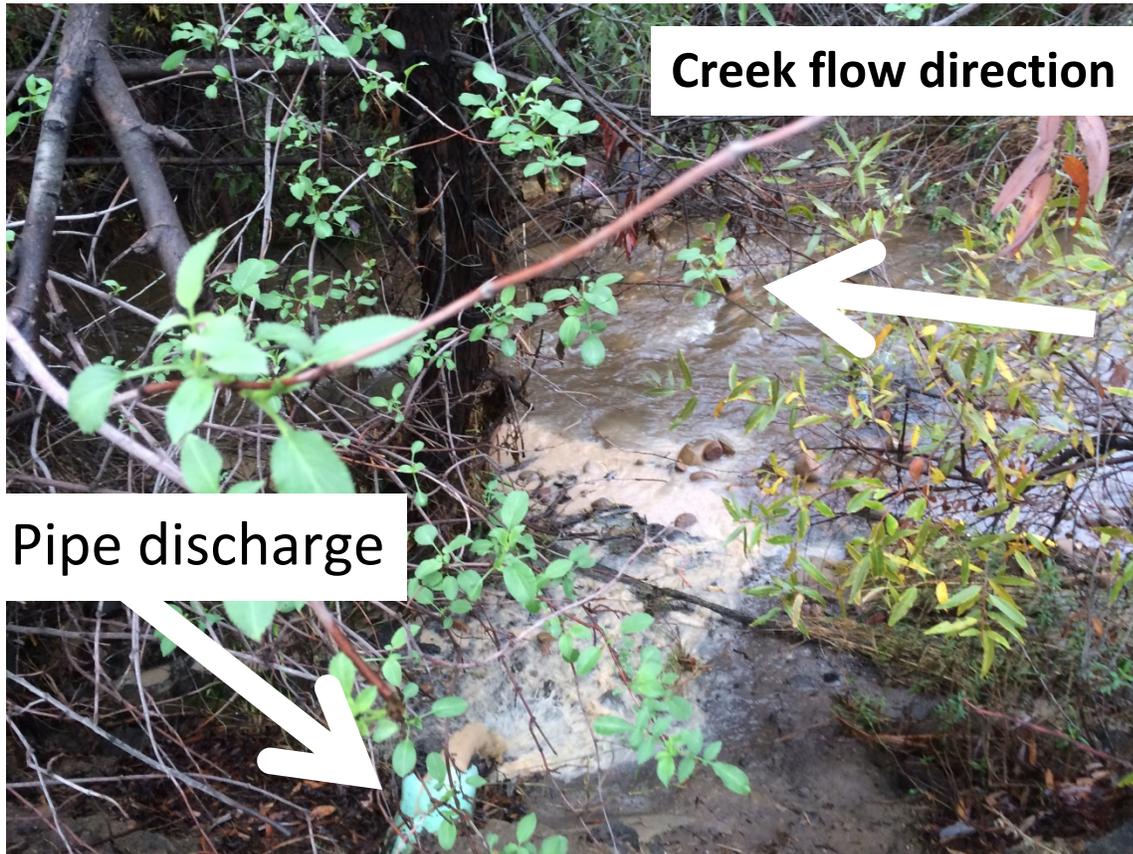
Sediment Control Measure ID No	Sediment Control Measure	BMP Option		Alternative BMP Option	
		Implemented?		*Describe why BMP was not implemented	
		Y	N*		
SC-a	Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from the site.	SE-1 SE-3 SE-4 SE-5 SE-6 SE-7 SE-10 SE-12 SE-13 SE-14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Exhibit No. 6 – Concerned Citizen Photographs



Photograph (IMG_0931.jpg) of sediment laden discharge from Northwest Village Creek Project into Chollas Creek. Photograph taken by a Concerned Citizen on the morning of December 4, 2014. Photograph taken from the west side of Chollas Creek just north of Market Street looking to the southeast.

Exhibit No. 6 – Concerned Citizen Photographs



Photograph (IMG_0947.jpg) of sediment laden discharge from Northwest Village Creek Project into Chollas Creek. Photograph taken by a Concerned Citizen on the morning of December 4, 2014. Photograph taken along the southwest side of the Project from the east side of Chollas Creek looking west.

Exhibit No. 7

Economic Benefit Calculation and Supporting Documentation

Economic Benefit Calculation

Jacobs Center for Neighborhood Innovation - Northwest Village Creek Project (Region 9 - San Diego)									
Compliance Action <small>(List the actions which would have prevented the violation)</small>	One-Time Nondepreciable Expenditure			Annual Cost		Non-Compliance Date	Compliance Date	Penalty Payment Date	Benefit of Noncompliance
	Amount	Date ¹	Delayed? ²	Amount	Date ¹				
Labor and material to plug two basins, and cost to pump out and dispose wastewater from two basins	\$950	1/2/2015	N	\$0		12/4/2014	12/11/2014	6/24/2015	\$973
Spray one acre with bonded fiber matrix erosion control.	\$3,901	7/1/2007	N	\$0		12/4/2014	12/8/2014	6/24/2015	\$4,626
Install four 25' long fiber rolls.	\$96	9/3/2014	N	\$0		12/4/2014	12/10/2014	6/24/2015	\$99
Install 20 25' long fiber rolls.	\$482	9/3/2014	N	\$0		12/4/2014	12/10/2014	6/24/2015	\$497
Spray half acre with bonded fiber matrix erosion control.	\$1,951	7/1/2007	N	\$0		12/4/2014	12/10/2014	6/24/2015	\$2,314
Install shaker plate at entrance.	\$1,092	1/21/2015	N	\$0		12/4/2014	12/10/2014	6/24/2015	\$1,119
Install ten Drip Pillow Berms to capture vehicle fluid leaks.	\$2,571	1/21/2015	N	\$0		12/4/2014	12/5/2014	6/24/2015	\$2,633
Five hours of labor to implement checklist.	\$100	1/5/2015	N	\$0		12/4/2014	1/1/2015	6/24/2015	\$103
Cost Index for Inflation:		ECI		ECI		See Table 1 below for Index choices.		Date of Run:	3/6/2015 0:00
Income Tax Schedule:	NFP								calculated by BEN
Source: USEPA BEN Model:	Version 5.4.0								
Analyst:	Bryan Elder								

¹ Date cost estimate was made.

² Enter "y" if delayed, and "n" if avoided.

³ Data Documentation: See attached Exhibits.

Violation No. 1 Discharge of Sediment Laden Water (1 day)

December 4, 2014

Labor and Materials to plug two basins (estimate) = \$500.

Cost to pump out two basins & dispose ponded storm water runoff offsite = \$450
Estimate based upon invoice provided by the Discharger.

Total cost: $\$500 + \$450 = \$950$

Using the U.S. EPA BEN Model the Discharger enjoyed an economic benefit of \$973.

Compliance Date: December 11, 2014. The basin inlets were plugged on December 11, 2014. See December 11, 2014, QSP inspection report. The basins were pumped on December 24, 2014. See pump invoice.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.



DIAMOND ENVIRONMENTAL SERVICES LP
 DIAMOND SOLID WASTE SERVICES INC.
 DIAMOND POWER SERVICES INC.
 (760) 744-7191
 (760) 744-7184
 WWW.DIAMONDPROVIDES.COM



BILLING:
 SAVANT CONSTRUCTION INC
 13830 MOUNTAIN AVE
 CHINO, CA 91710-8014

SITE:
 SAVANT CONSTRUCTION INC
 802 EUCLID AVE
 SAN DIEGO, CA 92114-2207
 ANDY
 (562) 685-0850

DATE:
 ACCOUNT:
 SALES REP:
 ORDERED BY:
 MAP:
 ROUTE:
 SEQUENCE:

12/24/2014
 041053 - 0001
 HOUSE
 VIC
 1280 A5
 SM C 03
 0

SITE NOTE: XSTREET MARKET

WORK ORDER	SERVICE	QUANTITY	DESCRIPTION
0000203098	HAULING SERVICE	1	WATER - HAULING*

WO NOTE PUMP RAIN WATER \$150 PORTAL TO PORTAL 3 HR MINIMUM, PLUS DISPOSAL FEES, SEE PERMIT ATTACHED >>

TRAVEL TIME	TIME ON JOB	TRAVEL TIME
To Job <u>1006</u> a.m. to <u>1030</u> a.m. p.m. to p.m.	Time From <u>1030</u> a.m. to <u>1100</u> a.m. p.m. to p.m.	From Job <u>1100</u> a.m. to _____ a.m. p.m. to p.m.

Comments: 3 Load to San Diego
left some water because its too muddy
to take to the dump

Customer's Printed Name Andy White
 Customer's Signature [Signature]

Driver's Signature Ricardo

By signing this document you agree to all terms and conditions outlined on the reverse side of this document.

Violation No. 2 Failure to implement erosion control (1 day)

December 4, 2014

Estimated area unprotected: 1 acre

Estimated cost of bonded fiber matrix: \$3,901 per acre

Cost to spray exposed areas with bonded fiber matrix:

$$\frac{\$3,901}{\text{acre}} \times 1 \text{ acre} = \$3,901$$

Using the US EPA BEN Model, the economic benefit was \$4,626.

Compliance Date: December 8, 2014. BFM was applied to the site on December 8, 2014.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.

Violation No. 3 Failure to Implement Sediment Controls (1 day)

December 4, 2014

Fiber Rolls

Discharger delayed protecting the two southern site entrances. Twenty-five feet long eight inch diameter fiber rolls/straw wattles cost \$24.09 each. Two fiber rolls per entrance would have protected each entrance. Therefore four 25 foot long wattles would cost \$96.36.

Using BEN computer model equates to an economic benefit of \$99.

Compliance Date: December 10, 2014. Based upon QSP Inspection Report that sweeping is done daily.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.

Violation No. 4 Failure to Implement Run-On and Runoff Controls

(1 day)

Fiber Rolls

Discharger delayed protecting the south and southeast site perimeter, approximately 480 feet. Twenty-five feet long eight inch diameter fiber rolls/straw wattles cost \$24.09 each. Fiber rolls are installed with a foot overlap on each side. Therefore 20 25 foot long wattles will cover a 480 foot run and cost \$481.80.

Using BEN computer model equates to an economic benefit of \$497.

Compliance Date: December 10, 2014. Based upon QSP Inspection Report that perimeter fiber rolls will be properly trenched and staked.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.

Violation No. 5, Failure to cover stockpile (1 day)

December 4, 2014

Estimated area unprotected: 0.5 acre

Estimated cost of bonded fiber matrix: \$3,901 per acre

Cost to spray exposed areas with bonded fiber matrix:

$$\frac{\$3,901}{\text{acre}} \times 0.5 \text{ acre} = \$1,951$$

Using the US EPA BEN Model, the economic benefit was \$2,314.

Compliance Date: December 10, 2014. Based upon QSP Inspection Report that stockpile was sprayed.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.

Violation No. 6 Failure to Implement Entrance Tracking BMPs (1 day)

December 4, 2014

Calculation No. 6 Good Housekeeping Entrance Tracking

On January 21, 2015, at 1:00 p.m. I called So Cal Sandbags, Inc. (800) 834-8682. I was told that the rental rate for a shaker plate (approximately 8' x 10') is \$135 per month plus 8% tax of \$10.80 and transportation costs of \$400 for delivery and \$400 for pick up (these costs are paid up front).

Assuming rental for December 2014 and January 2015, the cost would be

$$(\$135 + \$135) \times 1.08 + \$800 = \$1,091.60$$

Using the U.S. EPA BEN Model the economic benefit equals \$1,119.

Compliance Date: December 10, 2014. Based upon QSP Inspection Report that daily sweeping is occurring.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.

Violation No. 7 Failure to Implement Vehicle Fluid Leaks (1 day)

December 4, 2014

Drip Pillow Berms cost \$257.14 each.

Purchasing 10 Drip Pillow Berms costs \$2,571.40.

Using the U.S. EPA BEN Model the Discharger enjoyed an economic benefit of \$2,633.

Compliance Date: December 5, 2014. Based upon QSP Inspection Report that drip pans were installed.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.



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Drip Pillow Berm™

Capture small leaks and drips easily



Have a small leak, drip or spill? Our Drip Pillow Berm comes in four sizes to capture small leaks and drips and with its stable weighted base, it will not tip or splash in windy conditions if used outdoors. Grommets in the corners provide attachment points. Eliminates nuisance drips under vehicles, hydraulic lines or equipment.

Weighted unit can withstand up to 40 mph winds

Folds easy for storage or transport

Measures 38"L x 42"W x 3"H

Absorbs 4 gallons

Weighs 7 lbs

[View Larger](#)



Select Product

Drip Pillow Berm™						
Preview	Item Number	Description	Units	Price Per Unit		QTY
	BERM404	Drip Pillow Berm	Each	1+ \$300.00	4+ \$257.14	<input type="text"/> In Stock

Violation No. 8 Failure to Complete Inspection Checklist

Estimate that employees receive \$20 per hour.

Estimate that employee works five hours per report reviewing and implementing inspection form.

One report failure.

$$\begin{array}{c|c|c} 1 \text{ report} & 5 & \$20 \\ \hline & \text{hours} & \\ & \text{report} & \text{hour} \end{array} = \$100$$

Using the EPA BEN model results in an economic savings of \$103.

Compliance Date: December 23, 2014. Amended QSP reports were submitted on December 23, 2014.

Penalty Payment Date: June 24, 2015, date of San Diego Water Board meeting.

Exhibit No. 8 Staff Cost Summary

STAFF HOURS PRE 7-1-14

STAFF	HOURS	MONTHLY SALARY	Hourly	Hourly total	Benefits	Total
CCLEMENTE		6775	\$39.09	\$0.00	\$0.00	\$0.00
RSTEWART		6208	\$35.82	\$0.00	\$0.00	\$0.00
FMELBOURN	0	8630	\$49.79	\$0.00	\$0.00	\$0.00

TOTAL COSTS \$0.00

STAFF HOURS POST 7-1-14

STAFF	HOURS	MONTHLY SALARY	Hourly	Hourly total	Benefits	Total
CCLEMENTE	0	6911	\$39.87	\$0.00	\$0.00	\$0.00
RSTEWART	0	6332	\$36.53	\$0.00	\$0.00	\$0.00
FMELBOURN	110.5	8630	\$49.79	\$5,501.73	\$2,377.30	\$7,879.03

TOTAL COSTS \$7,879.03

Exhibit No. 9
Site: Northwest Village Creek

Penalty Methodology Decisions
R9-2015-0015

Discharge Violation: Potential for Harm

Violations	Harm/Potential Harm to Beneficial Uses [0 - 5]	Physical, Chemical, Biological or Thermal Characteristics [0 - 4]	Susceptibility to Cleanup or Abatement [0 or 1]	Total Potential for Harm [0 - 10]
Violation 1	3	2	1	6

Discharge Violation

Violations	Total Potential for Harm [0 - 10]	Deviation from Requirement [minor, moderate, major]	Total per Day	Days of Violation	Statutory Max per [WC § 13385]	Culpability [0.5 - 1.5]	Cleanup and [0.75 - 1.5]	History of Violations	Liability Amount	Economic Benefit	Liability	
											Minimum	Maximum
Violation 1	6	major	0.22	1	\$10,000	1.5	1.0	1.0	\$3,300	\$973	\$1,070	\$10,000

Non-Discharge Violations

Violations	Potential for Harm minor, moderate, major	Deviation from Requirement [minor, moderate, major]	Total per Day	Days of Violation	Statutory Max per [WC § 13385]	Culpability [0.5 - 1.5]	Cleanup and [0.75 - 1.5]	History of Violations	Liability Amount	Economic Benefit	Liability	
											Minimum	Maximum
Violation 2	moderate	moderate	0.35	1	\$10,000	1.3	1.0	1.0	\$4,550	\$4,626	\$5,089	\$10,000
Violation 3	moderate	moderate	0.35	1	\$10,000	1.3	1.0	1.0	\$4,550	\$99	\$109	\$10,000
Violation 4	moderate	moderate	0.35	1	\$10,000	1.3	1.0	1.0	\$4,550	\$497	\$547	\$10,000
Violation 5	moderate	moderate	0.35	1	\$10,000	1.3	1.0	1.0	\$4,550	\$2,314	\$2,545	\$10,000
Violation 6	moderate	moderate	0.35	1	\$10,000	1.3	1.0	1.0	\$4,550	\$1,119	\$1,231	\$10,000
Violation 7	moderate	major	0.55	1	\$10,000	1.4	1.0	1.0	\$7,700	\$2,633	\$2,896	\$10,000
Violation 8	moderate	moderate	0.35	1	\$10,000	1.3	1.0	1.0	\$4,550	\$103	\$113	\$10,000

Ability to Pay & Continue in Business	
[Yes, No, Partly, Unknown]	Other
Yes	N/A

Other Factors as Justice May Require	
Costs of Investigation & Enforcement	Other
\$7,879	N/A

Total Liabilities
\$38,839

Total Liability (All liabilities plus staff costs)
\$46,718

EXHIBIT J

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF
ADMINISTRATIVE CIVIL LIABILITY ORDER NO. R9-2014-0044
IN THE MATTER OF
SCRIPPS MESA DEVELOPERS, LLC**

**CASA MIRA VIEW PROJECT
SAN DIEGO COUNTY**

INTRODUCTION

This Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order ("Stipulated Order") is entered into by and between the Assistant Executive Officer of the California Regional Water Quality Control Board, San Diego Region ("San Diego Water Board"), on behalf of the San Diego Water Board Prosecution Team ("Prosecution Team"), and Scripps Mesa Developers, LLC ("Discharger") (collectively, "Parties") and is presented to the San Diego Water Board, for adoption as an order, by settlement, pursuant to Government Code section 11415.60.

RECITALS

1. Garden Communities is constructing a 2,200 unit apartment community, referred to as Casa Mira View (Casa Mira View, Project, or Site) located on 41.31 acres within the City of San Diego's Mira Mesa community at 11241, 11267, and 11285 Westview Parkway, San Diego, California 92126.
2. The Project developer is Garden Communities. Scripps Mesa Developers, LLC (Phase 2 and 3) and Scripps Mesa Developers II, LLC (Phase 1) own the properties that make up the Project, and all three entities are owned by the same parent company.
3. On August 19, 1999, the California State Water Resources Control Board (State Water Board) adopted *Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, Waste Discharge Requirements (WDRs) for Discharges of Storm Water Runoff Associated with Construction Activity*.
4. On October 1, 2008, Stuart Posnock, acting as the property owners' and developer's representative, filed a Notice of Intent (NOI) to comply with the waste discharge requirements of Order No. 99-08-DWQ for the Project with the State Water Board. The NOI stated that construction activities would begin in November 2008.
5. On October 7, 2008, the State Water Board processed the NOI and assigned Waste Discharge Identification (WDID) No. 9 37C353628 to the Project.

**Settlement Agreement and
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ACL Order No. R9-2014-0044
Casa Mira View**

6. On September 2, 2009, the State Water Board adopted *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities*, Order No. 2009-0009-DWQ, NPDES No. CAS000002 (Construction Storm Water Permit) and it became effective on July 1, 2010. The Construction Storm Water Permit replaced Order No. 99-08-DWQ. Furthermore, the Construction Storm Water Permit was amended by Order Nos. 2010-0014-DWQ and 2012-0006-DWQ.
7. Construction Storm Water Permit section V.A.2. requires the implementation of best management practices (BMPs), using best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollution from storm water runoff from construction sites. Furthermore, Construction Storm Water Permit section VIII requires dischargers to calculate the site's Risk Level based upon "the site's sediment risk and receiving water risk during periods of soil exposure (i.e. grading and site stabilization)."
8. On June 30, 2010, Stuart Posnock, the approved signatory of Scripps Mesa Developers, LLC, the Legally Responsible Person (LRP) for the Project, certified the Project under the Construction Storm Water Permit, and characterized the Project as being "Risk Level 3."
9. The Site lies within the Miramar Reservoir Hydrologic Area (HA) (906.10) of the Peñasquitos Hydrologic Unit. Storm water discharges from the Site drain to an unnamed tributary to Los Peñasquitos Creek. Los Peñasquitos Creek is a federal Clean Water Act section 303(d) listed impaired water body for turbidity. Los Peñasquitos Creek discharges into Los Peñasquitos Lagoon, which is a federal Clean Water Act section 303(d) listed impaired water body for sedimentation/silt, and a designated Natural Preserve by the State Park and Recreation Commission. Los Peñasquitos Creek and Los Peñasquitos Lagoon are waters of the United States and waters of the State.
10. The Water Quality Control Plan for the San Diego Basin (Basin Plan) designates the following beneficial uses for the "unnamed tributary 6.10" to Los Peñasquitos Creek:
 1. Agricultural Supply (AGR);
 2. Industrial Service Supply (IND);
 3. Contact Water Recreation (REC-1);
 4. Non-contact Water Recreation (REC-2);
 5. Warm Freshwater Habitat (WARM);
 6. Wildlife Habitat (WILD); and
 7. Rare, Threatened, or Endangered Species (RARE).

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Casa Mira View**

11. The San Diego Water Board inspected the Site on October 25, 2010; November 22, 2010; January 9, 2014; January 14, 2014; and September 30, 2014.
12. The San Diego Water Board issued to the Discharger Notice of Violation (NOV) No. R9-2010-0146 on November 3, 2010; and NOV No. R9-2014-0018 to Garden Communities on February 18, 2014.
13. On March 7, 2014, Garden Communities, at the request of the San Diego Water Board, submitted their weekly Qualified Storm Water Pollution Prevention Plan (SWPPP) Practitioner (QSP) inspection reports from October 2013 through January 2014.
14. The San Diego Water Board invested 152.5 staff hours to investigate, prepare enforcement documents, and consider this action for a total cost of \$10,874.
15. Discharger is alleged to have violated provisions of law for which the San Diego Water Board may impose civil liability pursuant to section 13385 of the California Water Code (Water Code).

The Prosecution Team alleges the following violations, set forth in full in the attached Technical Analysis, by the Discharger:

16. Violation No. 1: Discharge of Sediment Laden Storm Water: (1 day)
Discharger discharged sediment laden storm water from the Site into a Caltrans storm drain inlet on October 25, 2010, in violation of Water Code section 13376; Title 40 Code of Federal Regulations Parts 122, 123, and 124 as required under federal Clean Water Act section 301; Construction Storm Water Permit sections III.A., III.B., J.58., and V.A.2; and Basin Plan Prohibition Numbers 1, 3, 7, 8, and 14. The Discharger ceased the discharge upon the San Diego Water Board's discovery and direction. The Caltrans storm drain inlet is connected and discharges to an unnamed tributary of Los Peñasquitos Creek. Discharger's action resulted in one (1) day of violation.
17. Violation No. 2: Failure to Monitor Storm Water Effluent: (1 day)
Discharger discharged sediment laden storm water into the Caltrans storm drain inlet without sampling first on October 25, 2010. Sampling and analysis of collected storm water runoff is required to characterize the effluent prior to discharge. Therefore Discharger is in violation for one (1) day of Construction Storm Water Permit Attachment E. sections I.5.b. and I.6.b.

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18. Violation No. 3: Failure to Implement Erosion Control BMPs: (2 days)
On October 25, 2010, the San Diego Water Board inspected the Site and observed numerous finished slopes with no erosion control BMPs in violation of Construction Storm Water Permit Attachment E. section D.2. The Discharger corrected the violation on October 27, 2010. Therefore Discharger is in violation for two (2) days; October 25, and 26, 2010.

19. Violation No. 4: Failure to implement Sediment Control BMPs: (3 days)
On October 25, 2010, the San Diego Water Board inspected the Site and observed sediment in the street and on the sidewalk along the unprotected Site perimeter due to the lack of sediment control BMPs (e.g. gravel bags and fiber rolls) in violation of Construction Storm Water Permit Attachment E. section E.1. Furthermore, sediment was observed to be tracked onto the street at the Site construction entrance due to a failure to maintain the entrance gravel. The Discharger corrected the violation on October 28, 2010. Therefore Discharger is in violation for three (3) days; October 25, 26, and 27, 2010.

20. Violation No. 5: Failure to Implement Erosion Control BMPs: (11 days)
The January 2, 2014, QSP Site inspection report documented exterior slopes without erosion control. On January 9, 2014, the San Diego Water Board inspected the Site and observed the same exterior slopes without erosion control. The failure to implement erosion control BMPs is a violation of Construction Storm Water Permit Attachment E. section D.2. The Discharger corrected the violation on January 13, 2014. Therefore Discharger is in violation for eleven (11) days; January 2 through 12, 2014.

21. Violation No. 6: Failure to Maintain Sediment Control BMPs: (14 days)
Site inspection reports by Discharger's QSP documented the failure to maintain silt fencing, inlet protection, and fiber rolls on October 7 and 24, 2013; November 5, 12, 19, and 25, 2013; December 3, 9, 18, and 26, 2013; and January 2 and 8, 2014. Furthermore, the San Diego Water Board documented the failure to maintain silt fencing during a January 9, 2014, inspection; and a lack of entrance sediment control BMPs during a January 14, 2014, inspection. Therefore, Discharger was in violation of Construction Storm Water Permit Attachment E. sections E.1., E.3., and E.6. for fourteen (14) days.

**Settlement Agreement and
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Casa Mira View**

22. Violation No. 7: Failure to Implement Housekeeping BMPs: (16 days)
Site inspection reports by Discharger's QSP documented uncontrolled debris, uncovered waste dumpsters, dirt tracked into the street at construction entrances, and leaking concrete washout bins on October 7, 15, 24, and 29, 2013; November 5, 12, 19, 22, and 25, 2013; December 3, 9, 18, and 26, 2013; and January 2 and 8, 2014. Furthermore, the San Diego Water Board documented widespread debris during a January 9, 2014, inspection. Therefore, Discharger was in violation of Construction Storm Water Permit Attachment E. sections B.1., B.1.e., B.2.d., and B.2.i. for sixteen (16) days.
23. Violation No. 8: Failure to Complete Inspection Checklist: (12 days)
The submitted QSP inspection reports on the following dates did not include "implementation dates:" October 7, 15, and 24, 2013; November 5, 12, 19, and 25, 2013; December 3, 9, 18, and 26, 2013; and January 2, 2014. Therefore it is unclear whether the recommended corrective actions for noted "failures or other shortcomings" were completed. Discharger was in violation for twelve (12) days of Construction Storm Water Permit Attachment E. sections G.2., G.4. and G.5.g.
24. Pursuant to Water Code section 13385(a), a person that violates Water Code section 13376, a waste discharge requirement, or a requirement of section 301 of the federal Clean Water Act is subject to administrative civil liability pursuant to Water Code section 13385(c) "in an amount not to exceed the sum of both of the following: (1) ten thousand dollars (\$10,000) for each day in which the violation occurs. (2) where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons."
25. The alleged violations constitute violations subject to Water Code section 13385. Therefore, the maximum liability that the San Diego Water Board may assess pursuant to Water Code section 13385(c) is summarized in Table 1, Maximum and Minimum Liability Amounts.
26. Water Code section 13385(e) requires that when pursuing civil liability under section 13385, "at a minimum, liability shall be assessed at a level that recovers the economic benefit, if any, derived from the acts that constitute the violation." The Enforcement Policy requires that the adjusted Total Base Liability shall be at least ten percent (10%) higher than the economic benefit. Therefore, the minimum liability that the San Diego Water Board shall assess pursuant to Water Code section 13385(e) is summarized in Table 1. Maximum and Minimum Liability Amounts.

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Table 1. Maximum and Minimum Liability Amounts

Violation	Days	Liability	
		Maximum	Minimum
1. Discharge of Sediment Laden Storm Water	1	\$10,000	\$0
2. Failure to Monitor Storm Water Effluent	1	\$10,000	\$2,676
3. Failure to Implement Erosion Control BMPs	2	\$20,000	\$204
4. Failure to implement Sediment Control BMPs	3	\$30,000	\$1,434
5. Failure to Implement Erosion Control BMPs	11	\$110,000	\$21
6. Failure to implement Sediment Control BMPs	14	\$140,000	\$10
7. Failure to Implement Housekeeping BMPs	16	\$160,000	\$484
8. Failure to Complete Inspection Checklist	12	\$120,000	\$1,362

27. To resolve the alleged violations set forth above in this Stipulated Order, without formal administrative proceedings, the Parties have agreed to the final imposition of **two hundred eighty-six thousand three hundred twenty-four dollars (\$286,324)** in liability against the Discharger pursuant to Water Code section 13385 and Government Code section 11415.60. The liability amount includes ten thousand eight hundred seventy-four dollars (\$10,874) in San Diego Water Board staff costs. Table 2. Penalty Summary, provides a breakdown of the liabilities. The Prosecution Team calculated the administrative civil liability penalty under Water Code section 13385 in accordance with the Water Quality Enforcement Policy. A full discussion of the penalty calculation factors can be found in Attachment A, incorporated herein by reference as if set forth in full.

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Table 2. Penalty Summary

Alleged Violation	Days of Violation	Liability Per Day of Violation	Liability Amount
1. Discharge of Sediment Laden Water, October 25, 2010.	1	\$3,300	\$3,300
2. Failure to Monitor Storm Water Effluent, October 25, 2010.	1	\$8,250	\$8,250
3. Failure to Implement Erosion Control BMPs, October 25-26, 2010.	2	\$4,550	\$9,100
4. Failure to Implement Sediment Control BMPs, October 25-27, 2010.	3	\$4,550	\$13,650
5. Failure to Implement Erosion Control BMPs, January 2-12, 2014.	11	\$4,550	\$50,050
6. Failure to Maintain Sediment Control BMPs, October 7, and 24, 2013; November 5, 12, 19, and 25, 2013; December 3, 9, 18, and 26, 2014; January 2, 8, 9, and 14, 2014.	14	\$4,550	\$63,700
7. Failure to Implement Housekeeping BMPs, October 7, 15, 24, and 29, 2013; November 5, 12, 19, 22, and 25, 2013; December 3, 9, 18, and 26, 2014; January 2, 8, and 9, 2014.	16	\$4,550	\$72,800
8. Failure to Complete Inspection Checklist (12 Weekly Reports), October 7, 2013, through January 2, 2014.	12	\$4,550	\$54,600
Total Base Liability Amount			\$275,450
Staff Costs			\$10,874
Total Liability			\$286,324

28. Based on the information in the record, the Prosecution Team determined that the above resolution of the alleged violations is fair and reasonable, and fulfills the enforcement objectives of Water Code sections 13000 et seq., and the *Water Quality Enforcement Policy*, and satisfies the objectives and requirements of the federal Clean Water Act as implemented by the foregoing, and that no further action is warranted concerning the alleged violations except as provided in this Stipulated Order, and that this Stipulated Order is in the best interest of the public.

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STIPULATIONS

The Parties stipulate to the following:

29. Party Contact Information:

For the San Diego Water Board: Frank Melbourn
2375 Northside Drive, Suite 100
San Diego, CA 92108
(619) 521-3372
fmelbourn@waterboards.ca.gov

For the Discharger: Keith Garner
Sheppard Mullin Richter & Hampton LLP
Four Embarcadero Center, 17th Floor
San Francisco, CA 94111
(415) 774-2991
kgarner@sheppardmullin.com

30. Administrative Civil Liability: Discharger hereby agrees to the imposition of an administrative civil liability totaling \$286,324 as set forth in Paragraph 27 herein.

31. Payment and Costs: Discharger shall pay the total administrative civil liability amount of two hundred thousand eighty-six three hundred twenty-four dollars (\$286,324) within thirty (30) days of adoption of this Stipulated Order executed by the San Diego Water Board. Payment shall be made by check to the "State Water Board *Cleanup and Abatement Account*". Discharger shall indicate on the check the number of this Stipulated Order (R9-2014-0044) and send it to:

State Water Resources Control Board
Accounting Office
Attn: ACL Payment
PO Box 1888
Sacramento, CA 95812-1888

Discharger shall send a copy of the check to the designated San Diego Water Board Party Contact.

32. Matters Addressed by Stipulation: Upon adoption of this Stipulated Order by the San Diego Water Board, this Stipulated Order represents a final and binding resolution to settle, as set forth herein, all claims, violations, or causes of action as alleged. The provisions of this paragraph are expressly conditioned on the payment of the administrative civil liability as provided herein by the deadlines specified in this Stipulated Order, and the Discharger's full satisfaction of the obligations described in this Stipulated Order.

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33. Compliance with Applicable Laws: Discharger understands that payment of the administrative civil liability in accordance with the terms of this Stipulated Order and/or compliance with the terms of this Stipulated Order is not a substitute for compliance with applicable laws, and that continuing violations of the type alleged in this Stipulated Order may subject them to further enforcement, including additional administrative civil liability.
34. Attorney's Fees and Costs: Except as otherwise provided herein, each Party shall bear its attorney's fees and costs arising from the Party's own counsel in connection with the matters set forth herein.
35. In consideration of Discharger's compliance with this Stipulated Order, the Prosecution Team and the San Diego Water Board hereby covenant not to bring any further administrative or judicial enforcement action against the Discharger, whether under California or federal law, concerning the specific violations alleged in this Stipulated Order.
36. No Admission of Liability if Stipulated Order Does Not Take Effect: If this Stipulated Order does not take effect because it is not approved by the San Diego Water Board, or its delegee, or is vacated in whole or in part by the State Water Resources Control Board or a court, Discharger's signature becomes void and the Discharger does not admit or stipulate to any of the findings or allegations in this Stipulated Order, or that it has been or is in violation of the Water Code, or any other federal, state, or local law or ordinance.
37. Public Notice: Discharger understands that the San Diego Water Board will conduct a thirty (30) day public review and comment period prior to consideration and adoption. If significant new information is received that reasonably affects the propriety of presenting this Stipulated Order to the San Diego Water Board, or its delegate, for adoption, the Assistant Executive Officer may unilaterally declare this Stipulated Order void and decide not to present it to the San Diego Water Board. Discharger agrees that it may not rescind or otherwise withdraw their approval of this Stipulated Order.
38. Addressing Objections Raised During Public Comment Period: The Parties agree that the procedures for adopting this Stipulated Order by the San Diego Water Board and review of this Stipulated Order by the public are lawful and adequate. In the event procedural objections are raised prior to the adoption of this Stipulated Order, the Parties agree to meet and confer concerning any such objections and may agree to revise or adjust the procedure as necessary or advisable under the circumstances.

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39. No Waiver of Right to Enforce: The failure of the Prosecution Team or San Diego Water Board to enforce any provision of this Stipulated Order shall in no way be deemed a waiver of such provision, or in any way affect the validity of this Stipulated Order. The failure of the Prosecution Team or San Diego Water Board to enforce any such provision shall not preclude it from later enforcing the same or any other provision of this Stipulated Order.
40. Interpretation: This Stipulated Order shall be construed as if the Parties prepared it jointly. Any uncertainty or ambiguity shall not be interpreted against any one Party.
41. Modification: This Stipulated Order shall not be modified by any of the Parties by oral representation made before or after its execution. All modifications must be in writing, signed by all Parties, and approved by the San Diego Water Board.
42. If Stipulated Order Does Not Take Effect: In the event that this Stipulated Order does not take effect because it is not approved by the San Diego Water Board, or its delegate, or is vacated in whole or in part by the State Water Resources Control Board or a court, the Parties acknowledge that they expect to proceed to a contested evidentiary hearing before the San Diego Water Board and/or a hearing panel to determine whether to assess administrative civil liabilities for the underlying alleged violations, unless the Parties agree otherwise. The Parties agree that all oral and written statements and agreements made during the course of settlement discussions will not be admissible as evidence in the hearing pursuant to Evidence Code section 1152. The Parties agree to waive any and all objections based on settlement communications in this matter, other than Evidence Code section 1152 evidentiary objections, including, but not limited to:
- a. Objections related to prejudice or bias of any of the San Diego Water Board members or their advisors and any other objections that are premised in whole or in part on the fact that the San Diego Water Board members or their advisors were exposed to some of the material facts and the Parties' settlement positions as a consequence of reviewing the Order, and therefore may have formed impressions or conclusions prior to any contested evidentiary hearing on the violations alleged in this Stipulated Order; or
 - b. Laches or delay or other equitable defenses based on the time period for administrative or judicial review to the extent this period has been extended by these settlement proceedings.

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43. Waiver of Hearing: Discharger has been informed of the rights provided by Water Code section 13323(b), and hereby waives its right to a hearing before the San Diego Water Board prior to the adoption of this Stipulated Order by the San Diego Water Board, or its delegate.
44. Waiver of Right to Petition: Discharger hereby waives its right to petition the San Diego Water Board's adoption of this Stipulated Order for review by the State Water Resources Control Board, and further waives its right, if any, to appeal the same to a California Superior Court and/or any California appellate level court.
45. Covenant Not to Sue: Discharger covenants not to sue or pursue any administrative or civil claim(s) against any State Agency or the State of California, its officers, Board Members, employees, representatives, agents, or attorneys arising out of or relating to any matter addressed herein.
46. San Diego Water Board is Not Liable: Neither the San Diego Water Board members nor the San Diego Water Board staff, attorneys, or representatives shall be liable for any injury or damage to persons or property resulting from acts or omissions by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order, nor shall the San Diego Water Board, its members or staff be held as parties to or guarantors of any contract entered into by the Discharger, its directors, officers, employees, agents, representatives or contractors in carrying out activities pursuant to this Stipulated Order.
47. Authority to Bind: Each person executing this Stipulated Order in a representative capacity represents and warrants that he or she is authorized to execute this Stipulated Order on behalf of, and to bind the entity on whose behalf he or she executes this Stipulated Order.
48. Necessity for Written Approvals: All approvals and decisions of the San Diego Water Board under the terms of this Stipulated Order shall be communicated to the Discharger in writing. No oral advice, guidance, suggestions or comments by employees or officials of the San Diego Water Board regarding submissions or notices shall be construed to relieve the Discharger of its obligation to obtain any final written approval required by this Stipulated Order.
49. No Third Party Beneficiaries: This Stipulated Order is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Stipulated Order for any cause whatsoever.
50. Effective Date: This Stipulated Order shall be effective and binding on the Parties upon the date the San Diego Water Board adopts this Stipulated Order.

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51. Counterpart Signatures: This Stipulated Order may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one document.
52. Severability: The provisions of this Stipulated Order are severable; should any provision be found invalid the remainder shall remain in full force and effect.

It is so stipulated.

California Regional Water Quality Control Board, San Diego Region, Prosecution Team

By: 

JAMES G. SMITH
Assistant Executive Officer

Date: 12 Dec 2014

Scripps Mesa Developers, LLC

By: _____

Name: _____
Manager

Date: _____

Approved as to Form

By: 

KEITH GARNER
Counsel for Discharger

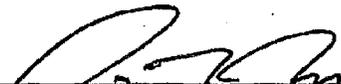
Date: 12/16/14

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It is so stipulated.

California Regional Water Quality Control Board, San Diego Region, Prosecution Team

By: 

JAMES G. SMITH
Assistant Executive Officer

Date: 12 Dec 2014

Scripps Mesa Developers, LLC

By: 

Name: Stuart Posnock
Manager

Date: December 16, 2014

Approved as to Form

By: _____
KEITH GARNER
Counsel for Discharger

Date: _____

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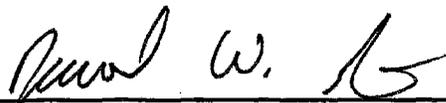
**FINDINGS OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,
SAN DIEGO REGION**

53. The terms of the foregoing Stipulation are fully incorporated herein and made part of this Stipulated Order of the San Diego Water Board.
54. The San Diego Water Board finds that the Recitals set forth herein are true.
55. The proposed Stipulated Order was noticed for public comment for a minimum of thirty (30) days prior to San Diego Water Board consideration.
56. This Stipulated Order is severable; should any provision be found invalid the remainder shall remain in full force and effect.
57. In adopting this Stipulated Order, the San Diego Water Board has considered, where applicable, each of the factors prescribed in Water Code sections 13327 and 13385(e). The consideration of these factors is based upon information and comments obtained by the San Diego Water Board's staff in investigating the allegations herein or otherwise provided to the San Diego Water Board or its delegate by the Parties and members of the public. In addition to these factors, this Stipulated Order recovers the costs incurred by the staff of the San Diego Water Board for this matter.
58. This is an action to enforce the laws and regulations administered by the San Diego Water Board. The San Diego Water Board finds that issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, sections 21000 et seq.), in accordance with section 15321 (a)(2), Title 14, of the California Code of Regulations.
59. The San Diego Water Board's Executive Officer is hereby authorized to refer this matter directly to the Attorney General for enforcement if the Discharger fails to perform any of its obligations under this Stipulated Order.
60. Fulfillment of the Discharger's obligations under this Stipulated Order constitutes full and final satisfaction of any and all liability for each allegation in this Stipulated Order in accordance with the terms of this Stipulated Order.

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Pursuant to Water Code sections 13323 and 13385, and Government Code section 11415.60, IT IS HEREBY ORDERED by the California Regional Water Quality Control Board, San Diego Region..

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region on 29 January 2015.
Date



DAVID W. GIBSON
Executive Officer

29 January 2015
Date

Attachment A: Technical Analysis