C.6. Construction Site Control

Each Permittee shall implement a construction site inspection and control program at all construction sites, with follow-up and enforcement consistent with each Permittee's respective Enforcement Response Plan (ERP), to prevent construction site discharges of pollutants and impacts on beneficial uses of receiving waters. Inspections shall confirm implementation of appropriate and effective erosion and other construction pollutant controls by construction site operators/developers; and reporting shall demonstrate the effectiveness of this inspection and problem solution activity by the Permittees.

C.6.a. Legal Authority for Effective Site Management

i. Task Description – Permittees shall have the ability to require effective stormwater pollutant controls, and escalate progressively stricter enforcement to achieve expedient compliance and clean up at all public and private construction sites.

ii. Implementation Level

(1) Permittees shall have the legal authority to require at all construction sites year round effective erosion control, run-on and runoff control, sediment control, active treatment systems (as appropriate), good site management, and non storm water management through all phases of construction (including but not limited to site grading, building, and finishing of lots) until the site is fully stabilized by landscaping or the installation of permanent erosion control measures.

(2) Permittees shall have the legal authority to oversee, inspect, and require expedient compliance and clean up at all construction sites year round.

iii. Reporting – Permittees shall certify adequacy of their respective legal authority in the 2010 Annual Report.

C.6.b. Enforcement Response Plan (ERP)

i. Task Description – Permittees shall develop and implement an ERP that will serve as a reference document for inspection staff to take consistent actions to achieve timely and effective compliance from all public and private construction site owners/operators.

ii. Implementation Level

(1) The ERP shall include required enforcement actions – including timeframes for corrections of problems – for various field violation scenarios. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered. If more than 10 business days are required for compliance, a rationale shall be recorded in the electronic database or equivalent tabular system.

(2) If site owners/operators do not implement appropriate corrective actions in a timely manner, or if violations repeat, Permittees shall take progressively stricter responses to achieve compliance. The ERP shall include the structure for progressively stricter responses and various violation scenarios that evoke progressively stricter responses.

(3) The ERP shall be developed and implemented by April 1, 2010.

C.6.c. Best Management Practices Categories

i. Task Description – Permittees shall require all construction sites to have site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) in the following six categories:

- Erosion Control
- Run-on and Run-off Control
- Sediment Control
- Active Treatment Systems (as necessary)
- Good Site Management
- Non Stormwater Management.

Theses BMP categories are listed in State General NPDES Permit for Stormwater Discharges Associated with Construction Activities, (hereinafter the Construction General Permit).

ii. Implementation Level

The BMPs targeting specific pollutants within the six categories listed in C.6.c.i.shall be site specific. Site specific BMPs targeting specific pollutants from the six categories listed in C.6.c.i. can be a combination of BMPs from:

- California BMP Handbook, Construction, January 2003.
- Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices Manual, March 2003, and addenda.
- California Regional Water Quality Control Board, San Francisco Bay Region, Erosion and Sediment Control Field Manual, 2002.
- New BMPs available since the release of these Handbooks.

C.6.d. Plan Approval Process

i. Task Description – Permittees shall review erosion control plans for consistency with local requirements, appropriateness and adequacy of proposed BMPs for each site before issuance of grading permits for projects. ~~Permittees shall also verify that sites disturbing one acre or more of land obtain coverage under the Construction General Permit~~ Permittees shall also verify that sites disturbing one acre or more of land have filed a Notice of Intent for coverage under the Construction General Permit.

ii. Implementation Level – Before approval and issuance of local grading permits, each Permittee shall perform the following:

(1) Review the site operator's/developer's erosion/pollution control plan or Stormwater Pollution Prevention Plan (SWPPP) to verify compliance with the Permittee's grading ordinance and other local requirements. Also review the site operator's/developer's erosion/pollution control plan or SWPPP to verify that seasonally appropriate and effective BMPs for the six categories listed in C.6.c.i. are planned;

(2) For sites disturbing one acre or more of soil, verify that the site operators/developers have filed a Notice of Intent for permit coverage under the Construction General Permit; and

(3) Provide construction stormwater management educational materials to site operators/developers, as appropriate.

C.6.e. Inspections

i. Task Description – Permittees shall conduct inspections to determine compliance with local ordinances (grading and stormwater) and determine the effectiveness of the BMPs in the six categories listed in C.6.c.i.; and Permittees shall require timely corrections of all actual and ~~potential problems~~threatened violations of local ordinances observed.

ii. Implementation Level

(1) **Wet Season Notification**

By September 1st of each year, each Permittee shall remind all site~~s~~ developers and/or owners disturbing one acre or more of soil to prepare for the upcoming wet season.

(2) **Frequency of Inspections**

Inspections shall be conducted monthly during the wet season[1] at the following sites:

(a) All construction sites disturbing one or more acre of land; and

(b) **High Priority Sites** – Other sites determined by the Permittee or the Water Board as significant threats to water quality. In evaluating threat to water quality, ~~the Permittee shall consider~~ the following factors shall be considered:

(i) Soil erosion potential or soil type;

(ii) Site slope;

(iii) Project size and type;

(iv) Sensitivity or receiving waterbodies;

(v) Proximity to receiving waterbodies;

(vi) Non-stormwater discharges; and

(vii) Any other relevant factors as determined by the local agency or the Water Board.

[1] For the purpose of inspections, the wet season is defined as October through April, but sites need to implement seasonally appropriate BMPs in the six categories listed in C.6.c.i throughout the year.

(3) **Contents of Inspections**

Inspections shall focus on the adequacy and effectiveness of the site specific BMPs implemented for the six categories listed in C.6.c.i. Permittees shall require timely corrections of all actual and potential problems observed. Inspections of construction sites shall include, but are not limited to, the following:

(a) Assessment of compliance with Permittee's ordinances and permits related to urban runoff, including the implementation and maintenance of the verified erosion/pollution control plan or SWPPP (from C.6.d.ii.(1));

(b) Assessment of the adequacy and effectiveness of the site specific BMPs implemented for the six categories listed in C.6.c.i.;

(c) Visual observations for:

- actual discharges of sediment and/or construction related materials into stormdrains and/or waterbodies.
- evidence of sediment and/or construction related materials discharges into stormdrains and/or waterbodies.
- illicit connections.
- potential illicit connections.

(d) Education on stormwater pollution prevention, as needed.

(4) **Tracking**

All inspections must be recorded on a written or electronic inspection form. Inspectors shall follow the ERP if a violation is noted and shall require timely corrections of all actual and threatened violations of local ordinances~~potential problems~~ observed. All violations must be corrected in a timely manner with the goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered. If more than 10 business days are required for compliance, a rationale shall be recorded on the inspection form.

Permittees shall track in an electronic database or tabular format all inspections. This electronic database or tabular format shall be made readily available to the Executive Officer and during inspections and audits by the Water Board staff or its representatives. This electronic database or tabular format shall record the following information for each site inspection:

(a) Site name;

(b) Inspection date;

(c) Weather during inspection;

(d) ~~Inches of rain since last inspection~~Has there been rainfall with runoff since the last inspection?;

(e) Enforcement Response Level (Use ERP);

(f) Problem(s) observed using ~~Discharge of Sediment or Construction Related Material~~ Illicit Discharge and the six BMP categories listed in C.6.c.i.;

(g) Specific Problem(s) (List the specific problem(s) within the BMP categories);

(h) Resolution of Problems noted using the following three standardized categories: Problems Fixed, Need More Time, and Escalate Enforcement; and

(i) Comments, which shall include all Rationales for Longer Compliance Time, all escalation in enforcement discussions, and any other information that may be relevant to that site inspection.

iii. Reporting

(1) In each Annual Report, each Permittee shall summarize the following information:

(a) Total number of active sites disturbing less than one acre of soil requiring inspection;

(b) Total number of active sites disturbing 1 acre or more of soil;

(c) Total number of inspections conducted;

(d) Number and percentage[2] of violations in each of the six categories listed in C.6.c.i.;

(e) Number and percentage[3] of each type of enforcement action taken as listed in each Permittee's ERP;

(f) Number of discharges, actual and those inferred through evidence, of sediment or other construction related materials;

(g) Number of sites with discharges, actual and those inferred through evidence, of sediment or other construction related materials;

(h) Number and percentage[4] of violations fully corrected prior to the next rain event but no longer than 10 business days after the violations are discovered or otherwise considered corrected in a timely, though longer period; and

(i) Number and percentage[5] of violations not fully corrected 30 days after the violations are discovered.

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

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

[4] Percentage shall be calculated as follows: number of violations fully corrected prior to the goal of the next rain event but no later than10 business days after the violations are discovered divided by the total number of violations for the reporting year.

[5] Percentage shall be calculated as follows: number of violations not fully corrected 30 days after the violations are discovered divided by the total number of violations for the reporting year.

(2) In each Annual Report, each Permittee shall evaluate its respective electronic database or tabular format and the summaries produced in C.6.e.iii.(~~3~~4) above. This evaluation shall include findings on the program's strength, comparison to previous years' results, as well as areas that need more focused education for site owners, operators, and developers the following year.

(3) The Executive Officer may require that the information recorded and tracked by C.6.e.ii.(~~3~~4) be submitted electronically or in a tabular format. Permittees shall submit the information within 10-working days of the Executive Officer's requirement. Submittal of the information in tabular form for the reporting year is not required in each Annual Report but encouraged.

C.6.f. Staff Training

i. Task Description – Permittees shall provide training or access to training for staff conducting construction stormwater inspections.

ii. Implementation Level – Permittees shall provide training at least every other year to municipal staff responsible for conducting construction site stormwater inspections.. Training topics will include information on correct uses of specific BMPs, proper installation and maintenance of BMPs, Permit requirements, local requirements, and ERP.

iii. Reporting – Permittees shall include in each Annual Report the following information: ~~on~~ training topics covered, dates of training, and the percentage of Permittees' inspectors attending each training. If no training in that year, so state.