

C.6. Construction Site Control

Each Permittee shall implement a construction site inspection and control program at all construction sites, with followup and enforcement consistent with each Permittee's respective ERP, to prevent construction site discharges of pollutants into the storm drains. Inspections shall confirm implementation of appropriate and effective erosion and other construction pollutant controls by construction site operators/developers. Each Permittee shall in its reporting demonstrate the effectiveness of its inspections and enforcement activities to prevent polluted construction site discharges into storm drains.

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

- i. Task Description** – Permittees shall have the ability to require effective stormwater pollutant controls to prevent discharge of pollutants into the storm drains, and implement progressively stricter enforcement to achieve expedient compliance and cleanup 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 cleanup at all construction sites year-round.

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

- i. Task Description** – Each Permittee shall implement and update, as needed, its ERP – a reference document for inspection staff to take consistent actions to achieve timely and effective compliance at all public and private construction sites.
- ii. Implementation Level** – The ERP shall contain the following:
 - (1) **Enforcement Procedures** – A description of the Permittee's procedures from the discovery of the problems through the confirmation of implementation of corrective actions. This shall include guidance for appropriate enforcement actions, followup inspections, referrals to another agency, appropriate time periods for implementation of corrective actions, and the roles and responsibilities of staff responsible for implementing the ERP.
 - (2) **Enforcement Tools and Field Scenarios** – A discussion of the various, escalating enforcement tools for different field scenarios, including, but not limited to, potential discharges (e.g., housekeeping issues, evidence of actual discharges, lack of ERP, inadequate BMPs, and inappropriate

BMPs), actual discharges, non-compliance with previous enforcement actions, and sites with a history of potential and/or actual discharges.

- (3) Timely Correction of Potential and Actual Discharges – A description of the Permittee’s procedures for assigning due dates for corrective actions. Permittees shall require timely correction of all potential and actual discharges. Permittees shall require actual non-stormwater discharges to cease immediately. Corrective actions shall be implemented before the next rain event, but no longer than 10 business days after the potential and/or actual discharges are discovered. Corrective actions can be temporary and more time can be allowed for permanent corrective actions. If more than 10 business days are required for compliance, a rationale shall be recorded in the electronic database or equivalent tabular system.

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 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.

- ii. **Implementation Level**

The BMPs targeting specific construction site 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. may be a combination of BMPs from:

- CASQA, BMP Handbook, Construction, January 2009.
- Caltrans Stormwater Quality Handbooks, Construction Site Best Management Practices Manual, March 2003, and addenda.
- New BMPs available since the release of these handbooks.
- Other BMPs shown to provide equivalent protection.

C.6.d. Plan Approval Process

- i. **Task Description** – Permittees shall review erosion control plans for consistency with local requirements and the 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 have filed a Notice of Intent for permit 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. in preventing the discharge of construction pollutants into the storm drain; and Permittees shall require timely corrections of all actual and potential discharges observed.
- ii. **Implementation Level**
- (1) **Wet Season Notification**
By September 1 of each year, each Permittee shall remind all site developers and/or owners disturbing one acre or more of soil, hillside projects, and high priority sites to prepare for the upcoming wet season.
 - (2) **Frequency of Inspections**
Inspections shall be conducted monthly during the wet season¹² at the following sites:
 - (a) All construction sites disturbing one or more acre of land;
 - (b) All hillside projects¹³ (based on the Permittee's map of hillside development areas or criteria, or if the Permittee does not have a map of hillside development areas or criteria, those projects on sites with $\geq 15\%$ slope) disturbing greater than or equal to 5,000 square feet; and
 - (c) 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 following factors shall be considered:
 - (i) Soil erosion potential or soil type;
 - (ii) Site slope;

¹² 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.

¹³ Effective July 1, 2016.

- (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.

(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 storm drains and/or waterbodies.
 - evidence of sediment and/or construction related materials discharges into storm drains and/or waterbodies.
 - illicit connections, and
 - potential illicit connections.
- (d) Education on stormwater pollution prevention, as needed.

(4) **Tracking**

All inspections shall be recorded on a written or electronic inspection form. Inspectors shall follow the ERP for all actual and potential discharges discovered during the inspection.

Permittees shall track in an electronic database or tabular format all inspections. This electronic database or tabular format shall be made readily available 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) Enforcement Response Level (Use ERP);
- (e) Problem(s) observed using Illicit Discharge and the six BMP categories listed in C.6.c.i.;

- (f) Resolution of Problems noted using the following three standardized categories: Problems Fixed, Need More Time, and Escalate Enforcement; and
- (g) 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 the 2016 Annual Report, each Permittee shall certify the criteria it uses to determine hillside developments. If the Permittee is using maps of hillside developments areas or other written criteria, include a copy in the Annual Report.
- (2) In the 2015-2016 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 one acre or more of soil;
 - (c) Total number of inspections conducted;
 - (d) Number and percentage¹⁴ of violations in each of the six categories listed in C.6.c.i.;
 - (e) Number and percentage¹⁵ 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 percentage¹⁶ 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 in a timely, though longer period; and
 - (i) Number and percentage¹⁷ of violations not fully corrected 30 days after the violations are discovered.
- (3) Beginning with the 2016-2017 Annual Report, each Permittee shall summarize the following information:

¹⁴ Percentage shall be calculated as number of violations in each category divided by total number of violations in all six categories.

¹⁵ Percentage shall be calculated as number of each type of enforcement action divided by the total number of enforcement actions.

¹⁶ Percentage shall be calculated as follows: number of violations fully corrected prior to the goal of the next rain event but no later than 10 business days after the violations are discovered divided by the total number of violations for the reporting year.

¹⁷ 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.

- (a) Total number of active hillside 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 active sites disturbing less than one acre of soil identified as High Priority sites in C.6.e.ii.(2)(c) requiring inspections;
 - (d) Total number of inspections conducted;
 - (e) Number of each type of enforcement action taken as listed in each Permittee's ERP;
 - (f) Number of illicit discharges, actual and those inferred through evidence, of sediment or other construction-related materials;
 - (g) Number of enforcement actions or discrete number of potential and actual discharges fully corrected prior to the next rain event, but no longer than 10 business days after the potential and actual discharges¹⁸ are discovered or otherwise considered corrected in a timely, though longer period.
- (4) In each Annual Report, each Permittee shall evaluate its respective electronic database or tabular format and the summaries produced in C.6.e.ii.(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.
- (5) The Executive Officer may require that the information recorded and tracked by C.6.e.ii.(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 it is 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 shall include information on correct uses of specific BMPs, proper installation and maintenance of BMPs, Permit requirements, local requirements, and the ERP.
- iii. Reporting** – Permittees shall include in each Annual Report the following information: training topics covered, dates of training, and the number of the Permittees' inspectors attending each training. If there was no training in that year, so state.

¹⁸ Permittees who track by discrete potential and actual discharges shall report by discrete discharges. Permittees who track by enforcement actions shall report by enforcement actions.