

4.0 CONSTRUCTION

Introduction

The purpose of construction site runoff control is to prevent soil and construction related waste from entering the storm drain system. Chapter 14 of County Code (Grading Ordinance) provides the foundation for implementing this Minimum Control Measure. The Grading Ordinance requires a permit for construction activities with 50 cubic yards or more of disturbance, including those projects greater than 1.0 acre. The Grading Ordinance includes mechanisms to ensure compliance with the Erosion and Sediment Control Plan, including Stop Work Orders and sanctions.

In addition to the Grading Permit, which is a ministerial permit, discretionary permits are also reviewed and conditioned by Planning & Development Department, Development Review. Chapter 35 of the County Code (Zoning) provides authority for additional conditions, monitoring, and enforcement on discretionary permits. This authority also provides opportunity to protect construction site runoff where the Grading Ordinance does not apply. For example, where a redevelopment project does not meet the 50 cubic yard threshold but is subject to a land use permit. In cases where both a grading permit and a discretionary permit apply, there are two divisions of the Planning and Development Department, Building and Safety (enforcing the Grading Ordinance) and Development Review (enforcing the Zoning Ordinance), responsible for monitoring and enforcement of construction-related BMPs.

Summary Table 4-1 Construction BMPs and Measurable Goals

(From Table 1-1 County of Santa Barbara Storm Water Management Program)

Year (s)	BMP	Current Status	Implementation Details	Measurable Goals	Implementing Entity
0	4.1 Grading Ordinance Revisions	Revisions adopted by Board of Supervisors in 2002.	Revisions include language linking the ordinance to NPDES Phase II regulations.	4.1.1. Completed; revisions facilitate implementation of BMPs below.	County Planning and Development Department
2-3	4.2 Evaluate Grading Ordinance Efficacy	Revisions adopted by Board of Supervisors in 2002.	Review and verify that implementation of the Grading Ordinance complies with the General Permit requirements of this MCM.	4.2.1. Compare Grading Ordinance to the Construction MCM and evaluate effectiveness (year 2). 4.2.2. If necessary, modify or revise Grading Ordinance (year 3)	County Planning and Development Department

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Year (s)	BMP	Current Status	Implementation Details	Measurable Goals	Implementing Entity
1-5	4.3 Erosion & Sediment Control Requirements; Control of Construction-Related Wastes	Requirement included in Grading Ordinance.	Erosion and Sediment Control Plan must be submitted and approved prior to construction. A SWPPP may be substituted if it meets the County's requirements.	4.3.1. Approval of an Erosion and Sediment Control Plan (or SWPPP, as appropriate) on 100% of projects.	County Planning and Development Department
1-5	4.4 Review of Plans, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement	Requirements included in Grading Ordinance. Information submitted by public also provided to Project Clean Water staff for appropriate referral.	Grading Ordinance provisions require plan review, site inspection, and enforcement at all permitted construction sites. Information submitted by the public is taken by PCW staff or P&D staff and addressed as appropriate. PCW information (complaints / discoveries) recorded.	4.4.1. Two inspections per month during rainy season on 1+ acre sites (years 1- 5). 4.4.2. Four inspections during non-rainy season (years 1 – 5). 4.4.3. Enforcement actions at 100% of sites where BMPs failed (years 1- 5). 4.4.4. Review and act on all info submitted by public to PCW concerning construction site activities within 24 hrs. 4.4.5. Review and act on all info submitted by public to B&S within three days. 4.4.6. Establish inventory of all sites with Grading Permits under active construction, and make that report available to the public if requested. Inventory will include the location and nature of construction activity, date permit was issued, date and nature of last inspection, date and nature of upcoming inspections, and status of violations and enforcement actions.	County Planning and Development Department; Project Clean Water staff.
0	4.5 Discretionary Projects - Land Use Permits	Land use policies and Standard Conditions include protection of resources during construction and controls for erosion and non-storm water discharges. See Appendix F4	In addition to ESCP required under Grading Ordinance, additional BMPs may be required such as restricted fueling areas, restricted maintenance of equipment, etc.	4.5.1. Completed; conditions will be applied as appropriate and BMPs evaluated for effectiveness (See Post-Construction MCM).	County Planning and Development Department & Project Clean Water

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Year (s)	BMP	Current Status	Implementation Details	Measurable Goals	Implementing Entity
2-3	4.6 Evaluate Land Use Permit Program Efficacy	Land use policies and Standard Conditions include construction site controls for erosion and non-storm water discharges. See Appendix F4	Results of an evaluation of the Land Use Permit program for construction BMPs will be reported to the Regional Board. Revisions will be made to meet or exceed the requirements of the General Permit Post-Construction Minimum Control Measures.	4.6.1. Compare to the requirements of the construction MCM and report on effectiveness (year 2). 4.6.2. Revise as necessary to meet or exceed all of the requirements of this MCM (year 3).	County Planning and Development Department & Project Clean Water
1-5	4.7 Staff Training	Specific training on storm water BMPs for construction	Staff will be trained in currently applicable regulations.	4.7.1. 100% annual training of grading inspectors (years 1-5). 4.7.2. 100% attendance at annual training of permit & review planning staff in selection & application of adopted standard conditions for construction related activities (year 2).	County Planning and Development Department & Project Clean Water
2-5	4.8 Construction Workshops	None	Develop BMP workshops for construction community. Augment with website information.	4.8.1. Develop workshop material for construction community (year 2). 4.8.2. Provide construction-related requirements on county website (year 1). 4.8.3. At least one public workshop on BMPs annually (years 2-5).	County Planning and Development Department & Project Clean Water

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BMP 4.1 Grading Ordinance Revisions					
Year	BMP	Current Status	Implementation Details	Measurable Goal	Implementing Entity
0	Grading Ordinance Revisions	Revisions adopted by Board of Supervisors in 2002.	Revisions include language linking the ordinance to NPDES Phase II regulations.	4.1.1 Completed; revisions facilitate implementation of BMPs below.	County Planning and Development Department

4.1.1 Measurable Goal: *Completed; revisions facilitate implementation of BMPs below.*

Status: The Grading Ordinance was revised on October 1, 2002 by the County Board of Supervisors. Revisions to the grading ordinance were made to address NPDES Phase II regulations by expanding requirements for construction-related disturbance of one or more acres and enhancing grading permit plan check and site inspection practices applicable for regulated development. For a summary of these revisions, and a copy of the Grading Ordinance, see the Storm Water Management Program.

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program.

Proposed Modifications: This BMP is complete; no modifications are proposed.

Planned Year 2 Activities: No additional activities are proposed for this BMP. It is complete (Year 0). Additional evaluation of the effectiveness is presented in BMPs 4.2 and 4.3.

BMP 4.2 Evaluate Grading Ordinance Efficacy					
Year	BMP	Current Status	Implementation Details	Measurable Goal	Implementing Entity
2-3	Evaluate Grading Ordinance Efficacy	Revisions adopted by Board of Supervisors in 2002.	Review and verify that implementation of the Grading Ordinance complies with the General Permit requirements of this MCM.	4.2.1 Compare Grading Ordinance to the Construction MCM and evaluate effectiveness (year 2). 4.2.2 If necessary, modify or revise Grading Ordinance (year 3)	County Planning and Development Department

4.2.1 Measurable Goal: *Compare Grading Ordinance to the Construction MCM and evaluate effectiveness (year 2).*

Status: To be completed in Year 2.

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Effectiveness: NA.

Proposed Modifications: None.

Planned Year 2 Activities: See attached scope Appendix 4A. Note that scope addresses both evaluation of Grading Ordinance as well as evaluation of discretionary project review & enforcement (see BMP 4.6).

4.2.2 Measurable Goal: *If necessary, modify or revise Grading Ordinance (year 3).*

Status: To be completed in Year 3.

Effectiveness: NA

Proposed Modifications: None.

Planned Year 2 Activities: Results of the Year 2 evaluation will be used to develop recommendations for improvements, if any, to the construction program.

4.3 Control of Construction-Related Wastes					
Year	BMP/Pollutants of Concern	Current Status	Implementation Details	Measurable Goal	Implementing Entity
1-5	Erosion & Sediment Control Requirements; Control of Construction-Related Wastes (Enrichment/Low DO; Priority Organics; Sedimentation/Siltation; Unknown Toxicity; Heavy Metals)	Requirement included in Grading Ordinance.	Erosion and Sediment Control Plan must be submitted and approved prior to construction. A SWPPP may be substituted if it meets the County's requirements.	4.3.1 Approval of an Erosion and Sediment Control Plan (or SWPPP, as appropriate) on 100% of projects.	County Planning and Development Department

4.3.1 Measurable Goal: *Approval of an Erosion and Sediment Control Plan (or SWPPP, as appropriate) on 100% of projects*

Status: Complete. All permitted construction projects must have either an approved Erosion and Sediment Control Plan or, for those projects greater than 1.0 acre, a Storm Water Pollution Prevention Plan prepared under the requirements of the Construction General Permit (99-08-DWQ). In other words, a County-approved ESCP (or SWPPP) is required in order to be issued a Grading Permit. Therefore, 100% of all Grading Permits issued in Year 1 had either an ESCP or SWPPP approved. In Year 1, there were 306 Grading Permits issued and 306 ESCP's (or SWPPPs) approved. See Appendix 4B for the list of all active Grading Permits filed during Year 1.

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program.

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Proposed Modifications: Ongoing requirements will continue; no changes are recommended.

Planned Year 2 Activities: Ongoing requirements will continue.

4.4 Review of Plans, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement					
Year	BMP/Pollutants of Concern	Current Status	Implementation Details	Measurable Goal	Implementing Entity
1-5	Review of Plans, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement / (Enrichment/Low DO; Priority Organics; Sedimentation/Siltation; Unknown Toxicity; Heavy Metals)	Requirements included in Grading Ordinance. Information submitted by public also provided to Project Clean Water staff for appropriate referral.	Grading Ordinance provisions require plan review, site inspection, and enforcement at all permitted construction sites. Information submitted by the public is taken by PCW staff or P&D staff and addressed as appropriate. PCW information (complaints / discoveries) recorded.	4.4.1 Two inspections per month during rainy season on 1+ acre sites (years 1- 5). 4.4.2 Four inspections during non-rainy season (years 1 – 5). 4.4.3 Enforcement actions at 100% of sites where BMPs failed (years 1-5). 4.4.4 Review and act on all info submitted by public to PCW concerning construction site activities within 24 hrs. 4.4.5 Review and act on all info submitted by public to B&S within three days. 4.4.6 Establish inventory of all sites with Grading Permits under active construction, and make that report available to the public if requested. Inventory will include the location and nature of construction activity, date permit was issued, date and nature of last inspection, date and nature of upcoming inspections, and status of violations and enforcement actions.	County Planning and Development Department; Project Clean Water staff.

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4.4.1 Measurable Goal: *Two inspections per month during rainy season on 1+ acre sites (years 1- 5).*

Status: Complete. Under BMP 6.1, the Grading Ordinance was modified so that Section 14-18 reads as follows:

Sec. 14 - 18. INSPECTIONS.

(8) Other inspections: In addition to the inspections above, such other inspections of any work to ascertain compliance with the provisions of this Chapter and other laws and regulations as may be required by the Director, including requirements of the NPDES permit of the County of Santa Barbara for its storm water discharges. A licensed landscape architect, qualified biologist, archeologist, agricultural advisor, or other qualified professional may be required to be present during inspections.

On construction sites of 1 acre or more, which are subject to NPDES regulations, county inspectors of the Planning and Development Department shall inspect for adequate installation and functionality of Best Management Practices (BMPs) prescribed by the Storm Water Pollution Prevention Plan (SWPPP), at any time throughout the year. County inspectors may identify maintenance and repair needs on the site with the permittee, or permittee's agent, to ensure compliance with the minimum requirements of Best Management Practices.

During the rainy season (between November 1 and April 15), a minimum of two (2) county inspections per month shall be conducted on active projects with open grading which are subject to NPDES regulations. Reports of such inspections shall be kept with the grading permit file.

In Year 1, there were 43 active permits with construction activities were greater than one acre and where inspections occurred twice / month from Nov 1 through April 15. A list of these permits is shown below.

Grading Permits > 1.0 acre

North County	South County
1. 06GRD-00242	1. 07GRD-00108
2. 06GRD-00236	2. 07GRD-00021
3. 04GRD-00228	3. 07GRD-00088
4. 04GRD-00157	4. 07GRD-00058
5. 02GRD-00247	5. 07GRD-00059
6. 03GRD-00198	6. 07GRD-00232
7. 03GRD-00283	7. 06GRD-00064
8. 04GRD-00151	8. 05GRD-00082
9. 04GRD-00173	9. 05GRD-00244
10. 04GRD-00198	10. 05GRD-00021

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11. 04GRD-00047	11. 04GRD-00315
12. 05GRD-00152	12. 04GRD-00244
13. 06GRD-00003	13. 03GRD-00101
14. 06GRD-00037	14. 04GRD-00022
15. 06GRD-00051	
16. 06GRD-00087	
17. 06GRD-00122	
18. 06GRD-00250	
19. 06GRD-00110	
20. 06GRD-00111	
21. 06GRD-00180	
22. 05GRD-00255	
23. 05GRD-00177	
24. 06GRD-00139	
25. 05GRD-00215	
26. 07GRD-00028	
27. 06GRD-00049	
28. 06GRD-00258	
29. 06GRD-00060	

The dates of all inspections, including those where SWPPP requirements are inspected, are tracked by the Grading Inspectors. The inspection records for the permits shown above are in Appendix 4C.

In addition to inspections required under the Section 14-18 of the County Code by Building & Safety staff, Planning & Development Review staff has been performing Land Use Permit inspections at construction sites since Aug 2007. The purpose of the P&D inspections is enforcement of LUP conditions. Most discretionary projects are specially conditioned for erosion and sediment control measures as well as dust control measures, therefore it is a direct permit condition requiring enforcement and monitoring by County staff, especially in the winter time.

These inspections provide an additional opportunity for County staff, trained in the storm water permit regulations, to inspect for effective construction related BMPs and potential clean water violations.

There was an average of ten Land Use Permit inspections/week on construction sites.

Effectiveness: This BMP was implemented in accordance with the SWMP. There were no enforcement actions from development review staff during Year 1 related to water quality impacts from inadequate or failing water quality BMPs. There were no Notices of Violation issued by Grading Inspectors during Year 1.

Staff reports that construction site managers are responsive to recognized problems and able to address such issues immediately to avoid punitive action. Planning &

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Development Permit Compliance staff always notify Building & Safety inspectors in cases where corrective measures were required for clean water BMPs.

Staff recognize that it is difficult to verify effectiveness of this measurable goal based upon the inspection records shown in Appendix 4C. Record keeping to track inspection of construction BMPs-only was revised mid-year of Year 1. Inspectors began to separately track those inspections where BMPs were inspected vs. other inspections. In reality, inspectors are at the construction sites more than the required 2/mo during rainy season, thus there are many opportunities to inspect and correct failing BMPs. The challenge is tracking and recording such inspections in an otherwise extremely busy travel schedule. The County's software used for record keeping system is being revised to improve reporting during Year 2, and inspectors will continue to track construction BMP-related inspections. The improvements will better demonstrate compliance with this measurable goal, through better recordkeeping of current inspection activities.

Proposed Modifications: Ongoing local program for inspections will continue; no changes are recommended to this measurable goal.

Planned Year 2 Activities: During Year 1, the County modified the record keeping system to be able to report on active grading permits. The result of this new report format is shown in Appendix 4B. In order to better report the dates of inspections on those grading permits requiring bi-monthly rainy season inspections (>1.0 ac), staff will make improvements to the record keeping system to determine whether the projects greater than 1.0 acre can be tracked separately especially for purposes of inspection dates. This should make it easier to demonstrate the timing of those inspections for future Annual Reports. Also, inspectors will continue their effort that started during Year 1, to distinguish those inspections addressing ESCP or SWPPP requirements, vs. other inspections.

4.4.2 Measurable Goal: *Four inspections during non-rainy season (years 1 – 5).*

Status: Complete. County Code Section 14-18 includes the following required inspections, which would provide a minimum of seven opportunities during construction work for Building & Safety staff to inspect the site. Three of the inspections specifically target proper implementation of erosion and sediment control BMPs.

Section 14-18 reads as follows:

- (1) Initial inspection: when the permittee is ready to begin work, but before any grading or brushing is started; inspect and review erosion and sediment control BMPs with permittee.
- (2) Toe inspection: after the natural ground is exposed and prepared to receive fill, but before any fill is placed, review erosion and sediment control BMPs with permittee;

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- (3) Excavation inspection: after the excavation is started, but before the vertical depth of the excavation exceeds ten (10) feet;
- (4) Fill inspection: after the fill emplacement is started, but before the vertical height of the fill exceeds ten (10) feet;
- (5) Drainage device inspection: after forms and pipes are in place, but before any concrete is placed, inspect erosion and sediment control BMPs.
- (6) Rough grade inspection: when all rough grading has been completed;
- (7) Final inspection: when all work, including installation of drainage structures, other protective devices, planting and slope stabilization has been completed and the “as-graded” plan and required reports have been submitted to the Director and accepted as complete.

Effectiveness: The BMP was implemented in accordance with Storm Water Management Program. Records of the inspections are shown in Appendix 4B.

Proposed Modifications: Ongoing requirements will continue; no changes to this measurable goal are recommended.

Planned Year 2 Activities: During Year 1, the County modified the record keeping system to be able to report on active grading permits. The result of this new report format is shown in Appendix 4B. In order to better report the dates of inspections on those grading permits requiring bi-monthly rainy season inspections (>1.0 ac), staff will make improvements to the record keeping system to determine whether the projects greater than 1.0 acre can be tracked separately especially for purposes of inspection dates. This should make it easier to demonstrate the timing of those inspections for future Annual Reports. Also, inspectors will continue their effort that started during Year 1, to distinguish those inspections addressing ESCP or SWPPP requirements, vs. other inspections.

4.4.3 Measurable Goal: *Enforcement actions at 100% of sites where BMPs failed (years 1-5).*

Status: Complete. See Appendix 4B for a summary of all grading permits with notes indicating where enforcement occurred. There are no records of failed BMPs resulting in enforcement action. (“Enforcement” issues listed in 4 B address violations such as: expired permit, trailer onsite without permit, bluff work without coastal development permit, etc.)

Enforcement and interpretation of the provisions of the Grading Ordinance are authorized and directed by the Director of Planning and Development (14-31). Violations of the County Code allow the Director to stop work. In addition, the public may submit complaints through the existing Planning and Development process or Project Clean Water water quality hotline (see Section 1.2).

Enforcement carries the weight of a civil penalty. Sec. 14-33 of the Grading Ordinance states:

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(a) Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any provision of this chapter is guilty of a crime. The offense may be filed as either an infraction or a misdemeanor at the discretion of the Santa Barbara County district attorney.

(b) If filed as an infraction and upon conviction thereof, the crime shall be punishable by a fine not to exceed one hundred dollars for a first violation; a fine not exceeding two hundred dollars for a second violation of the same ordinance within one year; and a fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

(c) If filed as a misdemeanor, and upon conviction thereof, the punishment shall be a fine of not less than five hundred dollars nor more than twenty-five thousand dollars, or imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

(d) Any person violating any of the provisions of this chapter shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. (Ord. No. 4477, § 1)

Sec. 14-34. Injunction--Civil remedies and penalties--And costs.

(a) Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or causes the same to be done, contrary to or in violation of any provision of this chapter, shall be subject to injunction against such activity and shall be liable for a civil penalty not to exceed twenty-five thousand dollars for each day that the violation continues to exist.

(b) When the director determines that any person has engaged in, is engaging in, or is about to engage in any act(s) or practice(s) which constitute or will constitute a violation of provisions of this chapter, or order issued, promulgated or executed hereunder, the district attorney or the county counsel may make application to the superior court for an order enjoining such acts or practices, or for an order directing compliance, and upon a showing that such person has engaged in or is about to engage in any such acts or practices, a permanent or temporary injunction, restraining order, or other order may be granted by a superior court having jurisdiction over the cause. In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction, or permanent injunction not be issued, or that the legal remedies are inadequate.

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(c) Any person, firm, or corporation, whether as principal, agent, employee or otherwise who shall commence, construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or causes the same to be done, contrary to or in violation of any provision of this chapter shall be liable for and obliged to pay the County of Santa Barbara for all costs incurred by the county in obtaining abatement or compliance, or which are attributable to or associated with any enforcement or abatement action, whether such action is administrative, injunctive or legal; and for all damages suffered by the county, its agents, officers or employees as a result of such violation or efforts to enforce or abate the violation.

(d) In determining the amount of a civil penalty to impose, the court shall consider all relevant circumstances, including, but not limited to, the extent of the harm caused by the conduct constituting the violation; the nature and persistence of such conduct; the length of time over which the conduct occurred; the assets, liabilities and net worth of the persons responsible, whether corporate or individual; and corrective action taken by the persons responsible; and the cooperation or lack of cooperation in public efforts toward abatement or correction. (Ord. No. 4477, § 1)

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program. There were no Notices of Violation and therefore no enforcement actions issued on any Grading Permit violations. Staff report that construction site managers are responsive to recognized problems with construction BMPs and are willing and able to address such issues immediately to avoid punitive action.

Proposed Modifications: Ongoing requirements will continue; no changes are recommended.

Planned Year 2 Activities: No additional activities proposed.

4.4.4 Measurable Goal: *Review and act on all information submitted by public to PCW concerning construction site activities within 24 hrs.*

Status: Complete. There were four incidents related to construction-related wastes reported directly to Project Clean Water. Of these, three were referred to B&S staff and one was referred to California Dept. Fish & Game. See Section 3.0 for more details on these and all complaints/discoveries from the Project Clean Water records.

Table 2 Construction-Related Complaints Project Clean Water Staff

Complaint	Discharge	Rec'd	Action Date	PCW Action	Follow-up
06-047	Construction runoff, no BMPs	10/12/06	10/12/2006	Forwarded to Grading Inspector	Distributed educational materials
06-048	Construction runoff, no BMPs	10/12/06	10/12/2006	Forwarded to Grading Inspector	Distributed educational materials

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06-051	Concrete washout and dirt	11/15/06	11/15/2006	Spoke with contractors who will clean it up before the job is done.	Verified clean-up same day and distributed educational materials
07-019	Road grading, dirt in creek.	3/5/07	3/5/07	Checked it out, look ok to me. Forwarded it to Grading Inspector and he thought it looked ok just need to stabilize the bank. Forwarded it to CFG.	Went to site with Natasha and Dave Brown of CFGD + 2 people from NOAA 5/10/2007; they will follow through with enforcement.

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program.

Proposed Modifications: Ongoing commitment will continue; no changes recommended.

Planned Year 2 Activities: Continued activity.

4.4.5 Measurable Goal: *Review and act on all info submitted by public to B&S within three days*

Status: Complete. It is Building & Safety policy to respond to all complaints within three days. All complaints called into P&D and referred to Grading Inspectors become a mandatory inspection, and are inspected within 48 hours.

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program. Building & Safety does not record these referrals except by way of indicating where an inspection occurred, as shown in Appendix 4B Active Grading Permits.

Proposed Modifications: Ongoing requirement to implement policy will continue; no changes are recommended.

Planned Year 2 Activities: During Year 2, as part of the evaluation of the Grading Ordinance efficacy (BMP 4.6), the recordkeeping system for logging complaints to Building & Safety will be evaluated and possibly revised to track specific complaints and referrals provided by others.

4.4.6 Measurable Goal: *Establish inventory of all sites with Grading Permits under active construction, and make that report available to the public if requested. Inventory will include the location and nature of construction activity, date permit was issued, date and nature of last inspection, date and nature of upcoming inspections, and status of violations and enforcement actions.*

Status: Complete. County staff utilizes proprietary software called “Acella” software to track all aspects of an ongoing project. The data are made available to the public upon request. See Appendix 4B for an example of this report. The report was

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developed in January 2007 to include all permits issued (starting Jul 1, 2007) and: location and nature of construction activity, date permit issued, date of last inspection, date and nature of upcoming inspections, and status of violations and enforcement actions. Note that violations and enforcement in Year 1 did not concern construction related water quality BMPs.

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program. There was one request for this information made during Year 1 and no additional comments received.

Proposed Modifications: This BMP was implemented in Year 1, therefore no changes are recommended.

Planned Year 2 Activities: During Year 2, as part of the evaluation of the Grading Ordinance efficacy (BMP 4.6), the effectiveness of record keeping and reporting on records will be evaluated. Therefore, the report format may be modified to improve its effectiveness.

4.5 Discretionary Projects - Land Use Permits					
Year	BMP/Pollutants of Concern	Current Status	Implementation Details	Measurable Goal	Implementing Entity
0	Discretionary Projects - Land Use Permits (Enrichment/Low DO; Priority Organics; Sedimentation/Siltation; Unknown Toxicity; Heavy Metals)	Land use policies and Standard Conditions include protection of resources during construction and controls for erosion and non-storm water discharges. See Appendix F4	In addition to ESCP required under Grading Ordinance, additional BMPs may be required such as restricted fueling areas, restricted maintenance of equipment, etc.	4.5.1 Completed; conditions will be applied as appropriate and BMPs evaluated for effectiveness (See Post-Construction MCM).	County Planning and Development Department & Project Clean Water

4.5.1 Measurable Goal: *Completed; conditions will be applied as appropriate and BMPs evaluated for effectiveness (See Post-Construction MCM).*

Status: Complete. Prior to approval of the SWMP in July 2006, policy and conditions were revised to include protection of resources during construction and controls for erosion and non-storm water discharges..

Effectiveness: This BMP was implemented in accordance with the SWMP (Year 0). Under the category of discretionary project permitting, review of surface water quality issues occurs during (1) CEQA review and (2) as a part of planning review (Staff Report preparation) during which projects are evaluated for consistency with

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the County’s Comprehensive Plan policies and Zoning Ordinance requirements. CEQA review and policy consistency are presented in Appendix C.

Proposed Modifications: None. This is a Year 0 BMP and will be followed-up under 4.6 below.

Planned Year 2 Activities: See Appendix A and BMP 4.2.1.

4.6 Evaluate Land Use Permit Program Efficacy					
Year	BMP/Pollutants of Concern	Current Status	Implementation Details	Measurable Goal	Implementing Entity
2-3	Evaluate Land Use Permit Program Efficacy	Land use policies and Standard Conditions include construction site controls for erosion and non-storm water discharges. See Appendix F4	Results of an evaluation of the Land Use Permit program for construction BMPs will be reported to the Regional Board. Revisions will be made to meet or exceed the requirements of the General Permit Post-Construction Minimum Control Measures.	4.6.1 Compare to the requirements of the construction MCM and report on effectiveness (year 2). 4.6.2 Revise as necessary to meet or exceed all of the requirements of this MCM (year 3).	County Planning and Development Department & Project Clean Water

4.6.1 Measurable Goal: *Compare to the requirements of the construction MCM and report on effectiveness (year 2).*

Status: To be implemented Year 2.

Effectiveness: Not applicable.

Proposed Modifications: None.

Planned Year 2 Activities: See Appendix A and BMP 4.2.1

4.6.2 Measurable Goal: *Revise as necessary to meet or exceed all of the requirements of this MCM (year 3).*

Status: To be implemented Year 3.

Effectiveness: NA

Proposed Modifications: None

Planned Year 2 Activities: NA.

4.7 Staff Training					
Year	BMP/Pollutants of Concern	Current Status	Implementation Details	Measurable Goal	Implementing Entity
1-5	Staff Training / (Enrichment/Low DO; Priority Organics; Sedimentation/Siltation; Unknown Toxicity; Heavy Metals)	Specific training on storm water BMPs for construction	Staff will be trained in currently applicable regulations.	4.7.1. 100% annual training of grading inspectors (years 1-5). 4.7.2. 100% attendance at annual training of permit & review planning staff in selection & application of adopted standard conditions for construction related activities (year 2).	County Planning and Development Department & Project Clean Water

4.7.1 Measurable Goal: 100% annual training of grading inspectors (years 1-5).

Status: There are five grading inspectors: two south county, one Buellton, one Orcutt, and one supervisor. All five attended two 8-hour workshops presented at the International Erosion Control Associations Annual Conference in Reno, Nevada in February 2007.

The topics of the two workshops were (1) Effective inspection programs for construction site run-off control and (2) Designing for effective sediment and erosion control on construction sites.

Effectiveness: The measurable goals for FY 06 were met. The training raised the target audience’s awareness of grading and erosion control.

Proposed Modifications: None.

Planned Year 2 Activities: The IECA conference is held annually throughout the country. Since the 2006 conference was held in Reno, the grading inspectors were able to make this event because it was in the western regional and travel expenses are low. However, the IECA conferences will not be an annual opportunity for County staff since they typically alternate between east coast and west coast. For example next year’s annual conference will be in Orlando, Florida. During Year 2, training will be obtained through appropriate resources including but not limited to: IECA web casts, occur in-house with local experts, in coordination with RWQCB staff as part of fall construction workshops, or a combination of various training opportunities.

4.0 Construction

4.7.2 Measurable Goal: *100% attendance at annual training of permit & review planning staff in selection & application of adopted standard conditions for construction related activities (year 2).*

Status: Not implemented (year 2 activity).

Effectiveness: NA.

Proposed Modifications: None

Planned Year 2 Activities: Planning and Development staff in the Development Review section will receive training appropriate to the construction related mitigation measures applied to discretionary projects. This may be included along with required training for the post-construction program (See BMP 5.5) or as a separate construction BMP training course. Training will address BMP requirements under both the County’s Grading Ordinance and the state NPDES Construction General Permit. Specific mitigation measures from “A Planners Guide to Conditions of Approval and Mitigation Measures” and their applicability will be reviewed. (Examples of the standard conditions to protect water quality during construction activities are shown in Appendix F4 of the Storm Water Management Program, see conditions 34, 40, 62, B, and P).

4.8 Construction Workshops					
Year	BMP/Pollutants of Concern	Current Status	Implementation Details	Measurable Goal	Implementing Entity
2-5	Construction Workshops / (Enrichment/Low DO; Priority Organics; Sedimentation/Siltation; Unknown Toxicity; Heavy Metals)	None	Develop BMP workshops for construction community. Augment with website information.	4.8.1 Develop workshop material for construction community (year 2). 4.8.2 Provide construction-related requirements on county website (year 1). 4.8.3 At least one public workshop on BMPs annually (years 2-5).	County Planning and Development & Project Clean Water

4.8.1 Measurable Goal: *Develop workshop material for construction community (year 2).*

Status: To be implemented Year 2.

Effectiveness: NA

Proposed Modifications: None.

Planned Year 2 Activities: As part of the Grading Ordinance / Land Use permit review of the construction MCM during Year 2, construction related training material

will be developed. Depending on the level of revisions proposed, for instance any revisions to the Grading Ordinance itself, workshops may be offered in Year 2. If workshops are not offered during Year 2, a schedule for such workshops will be developed during Year 2 as discussed in BMP 4.8.3.

4.8.2 Measurable Goal: *Provide construction-related requirements on county website (year 1).*

Status: Complete. The construction link on the Project Clean Water website was substantially updated in January 2007. Figure 4-1 shows the outline and content of the current website. The Project Clean Water brochure entitled A Guide for Construction Contractors is also on the website. The brochure is available in both Spanish and English.

Figure 4-1
Project Clean Water Construction Website
(<http://www.sbprojectcleanwater.org/construction.html>)

Construction

Development activity in Santa Barbara County must prevent sediment and other construction related pollutants from entering the storm drain. The County regulates discharges from construction activities through Planning & Development Department. The two primary regulatory mechanisms are Grading Permits and Land Use Permits.

Grading Ordinance

The Grading Ordinance (Chapter 14 of County Code, Ordinance No. 4477) addresses construction site runoff control and associated inspection and enforcement procedures under the Building and Safety Division of Planning and Development.

Under the Grading Ordinance, a ministerial permit is required when 50 cubic yards or more are graded.

The permit requires submittal of an Erosion and Sediment Control Plan (Section 14-29), or in the case where a project is also subject to General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ), a Storm Water Pollution Prevention Plan or SWPPP can be submitted instead.

The plan addresses pollution prevention from storm water runoff using erosion and sediment control measures, and from non-storm water discharges such as fueling, saw cutting, washing concrete or paints, etc.

Sites are inspected regularly to assure the BMPs in place are preventing pollutants from leaving the site (Section 14-18). Failure to implement BMPs may

result in a Stop Work Order and is punishable as an infraction or misdemeanor (Section 14-33) or as civil penalty (14-34).

[Appendix E - 2002 Revised Grading Ordinance](#)

Land Use Permits

The County's discretionary permit review process provides additional authority for regulating discharges associated with construction activity. Project conditions including monitoring and enforcement are provided through the County Zoning Ordinance and implementation of Comprehensive Plan policy. These apply in cases where the Grading Permit may not apply, for example redevelopment projects where land disturbance is less than 50 cubic yards.

The County's Comprehensive Plan provides policies to minimize grading and erosion during construction, limit grading on steep slopes, encourage good site design, require special provisions for disposal of construction wastes, provide development setback or buffers from creeks and streams, and to protect and restore sensitive habitats.

These implementation guidelines are presented in Appendix E & F of the SWMP.

[Appendix F1 - Policy Interpretive and Implementation Guidelines](#)

[Appendix F2 - CEQA Initial Study Checklist Revisions](#)

[Appendix F3 - Guidelines for Surface and Storm Water Quality](#)

[Appendix F4 - Revisions to a Planner's Guide to conditions of Approval and Mitigation Measures](#)

Resources for Construction Best Management Practices

The following resources are approved by the County for the proper design and installation of project-appropriate BMPs.

[CASQA Construction Handbook](#)

[Caltrans Storm Water Quality Manuals and Handbooks](#)

[California Fact Sheet on Low Impact Development](#)

Construction Debris Disposal

It is unlawful to dispose of construction debris into the storm drain or into a creek. This includes washing concrete, hosing off sediment-laden surfaces, discharges from saw cutting, etc. Make sure that any discharges are contained and disposed properly. For example, you can dig a depression and line with plastic to collect concrete wash water. Once the material is dry, the dried waste can be disposed along with other construction debris. Sweep up construction debris like concrete, stucco and mortar and [recycle it](#) or dispose of it at a designated facility.

Here are places you can take your construction wastes that have been swept or collected:

South Coast Disposal: [South Coast Recycling and Transfer Station](#)

North County Disposal: [City of Santa Maria Landfill](#)

The County’s Building & Safety website also provides information on the permit including grading permit submittal requirements, fees, and application/permit status. See Figure 4-2. Together, these two website provide guidance on the requirements for obtaining Grading Permits and complying with the clean water requirements.

Figure 4-2
Building & Safety Website
(<http://sbcountyplanning.org/building/index.cfm>)

Building & Safety

The Planning and Development Department Building & Safety Division's primary function is to provide reasonable controls and regulations that protect the citizenry and establish effective safeguards for the life, health and property equally throughout the unincorporated areas of Santa Barbara County. This is achieved through the application of uniform codes and standards that involve design, materials, construction, use, and occupancy of all buildings constructed within our jurisdiction. Building & Safety staff strive to implement these standards in a fair and consistent manner while encouraging an open communication process with the public we serve.

<ul style="list-style-type: none"> • Counter Handouts • Commercial Project Information • Building and Grading Fees 	<ul style="list-style-type: none"> • Santa Barbara County Code (Information Bulletins) • Residential Project Information • Grading Information
<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <ul style="list-style-type: none"> • Permit Application Package 	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <ul style="list-style-type: none"> • Permit Application Status

Effectiveness: This BMP was implemented in accordance with the Storm Water Management Program. The Project Clean Water website page for construction averaged 12 hits / week between January and July, 2007. Prior to January, there was no website information specific to construction activities and clean water on the Project Clean Water website. Building & Safety does not track the number of hits to their website.

Proposed Modifications: This BMP was implemented in Year 1; therefore no changes are recommended. However, a Year 2 activity to improve on the construction websites is discussed below.

4.0 Construction

Planned Year 2 Activities: Neither website provides guidance material on how to develop and implement an Erosion and Sediment Control Plan. Details of the Erosion and Sediment Control Plan are provided in Section 14-29 of the County Code. The Building & Safety website will be updated to make it easier for applicants to understand what is required in an Erosion and Sediment Control Plans for various types of grading activities and land development.

The requirements of an Erosion and Sediment Control Plan are outlined in Section 14-29:

(a) An erosion and sediment control plan shall be required as part of the grading plan requirements. The plan shall contain the applicable County approved Best Management Practices. The county may accept a SWPPP, prepared for the state, if it contains the requirements of the county's erosion and sediment control plan. The erosion and sediment control plan shall contain:

(1) A delineation and brief description of the proposed practices to retain sediment on the site, including sediment basins and silt traps, and a schedule for their maintenance;

(2) The location and a brief description of the surface runoff and erosion control practices to be implemented, including types and methods of applying mulches, hydro seeding, or other slope stabilization methods; construction material and waste management practices to be used, including temporary borrow and waste disposal areas, temporary debris and garbage disposal, and chemical/fuel storage areas.

(3) A brief description of the vegetative practices to be used, including types of seeds and the fertilizer and their application rates, dates of seeding and a schedule for maintenance and upkeep, including irrigation.

(4) A brief description of reasonable precautionary measures to ensure that vehicles do not track or spill earth materials into public streets and actions necessary to remove such materials if the materials are spilled or tracked.

(5) Drainage or erosion and sediment control plans shall include Best Management Practices for control of pollutants from onsite storm water discharges and non-storm water discharges, such as, the washout of excess construction materials, including but not limited to drywall, grout, gypsum, plaster, mortar and concrete. Water contaminated with wash-out pollutants shall be collected and controlled and shall be removed from the site.

It may be helpful to post several examples of complete submittals representing ESCPs submitted to the County on a variety of construction activities. ESCP's will vary widely depending on the type of construction activities.

4.0 Construction

4.8.3 Measurable Goal: *At least one public workshop on BMPs annually (years 2-5).*

Status: To be implemented in Year 2.

Effectiveness: NA

Proposed Modifications: None.

Planned Year 2 Activities: In October 2007, the Central Coast RWQCB will be sponsoring construction workshops with at least one in Santa Barbara County. County Project Clean Water staff will coordinate with CCRWQCB staff to help facilitate this workshop. The content of this workshop includes both classroom presentation on effective BMP selection and implementation, and a site visit to a construction site for field demonstration on BMP installation.