

Construction Site Storm Water Runoff Control

BMP 4.1 Grading Ordinance Revisions

Measurable Goal 4.1.1: *Revise Grading Ordinance prior to SWMP implementation.*

Status: Complete. See Storm Water Management Program Chapter 4.0.

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

Planned Year 3 Activities: No additional activities are proposed for this BMP. It was completed prior to Regional Board approval of the SWMP in July 2006.

BMP 4.2 Evaluate Grading Ordinance Efficacy

Measurable Goal 4.2.1: *Compare the effectiveness of revised Grading Ordinance to the requirements of the construction minimum control measure and evaluate effectiveness. This will be based upon feedback from County inspectors, RWQCB staff, construction contractors, project owners and the public. This review will include records of violation cases and enforcement activities (year 2).*

Status: Complete. The Grading Ordinance and the development review process were evaluated to assure consistency with the General Permit requirements. In summary, the Grading Ordinance provides the County with legal authority to effectively implement the General Permit requirements. Complete discussion on this BMP is presented in the report, including opportunities for improvement of the overall program. See Appendix 4A.

Public Involvement. Two public workshops were offered to present the findings of the evaluation and provide a community overview of the Countywide procedures for protecting water quality from impacts during construction activities.

Table 4-1 Construction Workshops

<u>Date</u>	<u>Location</u>	<u>Total # Attending (# County staff)</u>
April 24, 2008	Santa Maria	6 (5)
April 17, 2008	Santa Barbara	6 (3)

The report was distributed via email to all Project Clean Water Stakeholders and simultaneously posted on the web April 10, 2008 (comments closed May 15, 2008).

In addition to stakeholders, advertising for the workshops included the entire membership of the Santa Barbara Contractors Association (in April newsletter), the Santa Maria Valley Contractors Association (electronic newsletter and announcement at General Meeting), and the Home Builders Association of the Central Coast (email).

Construction Site Storm Water Runoff Control

Feedback during the workshops was minimal. In Santa Barbara, the workshop involved questions and answers about the overall construction program; in Santa Maria, attendees were mostly contractors already familiar with the County program, and we discussed BMP implementation techniques.

Written comments on the review of the Grading Ordinance were received from Channelkeeper, David Innis and the CCRWQCB. See Appendix 4B. Comments from Channelkeeper were reflective of overall dissatisfaction with construction program. Channelkeeper was supportive of many of the recommendations for improvement and provided many of their own recommendations.

Proposed Modifications: None.

Planned Year 3 Activities: Recommendations from the report will be evaluated and addressed during Year 3. The list of recommendations is presented in Appendix 4A.

Measurable Goal 4.2.2: *If it is determined that changes need to be made to better comply with this minimum control measure, staff will make recommendations to the County Board of Supervisors to modify or revise Grading Ordinance as necessary so that it meets or exceeds all of the requirements in the General Permit (year 3).*

Status: One of the recommendations from the report, to offer training to the Building & Safety building inspector, was implemented during Year 2. Previously, training of P&D staff focused on Development Review (those individuals who review plans and submittals for discretionary permits), compliance inspectors (those that inspect during construction for compliance with project conditions), and most importantly, grading inspectors (those that inspect Grading & Drainage Plans, Erosion & Sediment Control Plans, and enforce the Grading Code).

Table 4-2 Building and Safety Staff Training

Location	Date	Number
Santa Maria	June 26, 2008	7
Santa Barbara	July 10, 2008	9

A copy of training outline and attendees is shown in Appendix 4C.

Although building inspectors are not tasked with enforcing clean water BMPs, their active participation in the program can assist in several ways. First, they are present wherever a building permit has been issued, including remodeling projects. In particular, they are present at smaller construction sites that may not otherwise be inspected by Grading or compliance staff. Second, they have authority to Stop Work; therefore contractors are attentive to their requests. So they may be able to abate a discharge immediately, or they can refer as a complaint to the grading inspector for

Construction Site Storm Water Runoff Control

follow-up. Finally, they are the last of the County inspectors to be at a project site when finish work occurs. Finish work includes painting and plastering, two common sources of non-storm water discharges. And equally important, because they spend much time driving through the unincorporated area, they are more likely to see and report discharges that may be unrelated to their inspections.

Other recommendations and opportunities for improvement shown in Appendix 4C will be reported in the Year 3 Annual Report.

Proposed Modifications: None.

Planned Year 3 Activities: In order to meet or exceed the requirements of the Phase II General Permit, recommendations from the report will be evaluated and as appropriate will be adopted. For example, a recommendation to improve tracking and reporting involves substantial improvements to the County's database software, Accella, which will be performed in Year 3.

BMP 4.3 Erosion & Sediment Control; Control of Construction-Related Wastes

Measurable Goal 4.3.1: *Implement an approved Erosion and Sediment Control plan (or SWPPP, as appropriate) on 100% of all applicable projects, as required under the Grading Ordinance.*

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 Erosion and Sediment Control Plan (or Storm Water Pollution Prevention Plan) is required before an applicant can be issued a Grading Permit.

Therefore, 100% of all Grading Permits issued in Year 2 had either an Erosion and Sediment Control Plan or Storm Water Pollution Prevention Plan approved. In Year 2, there were 4,486 Grading Permits filed and 4,486 Erosion and Sediment Control Plan's (or Storm Water Pollution Prevention Plans) approved. See Appendix 4D for the list of all Grading Permits filed during Year 2.

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

Planned Year 3 Activities: Ongoing requirements will be implemented on 100% of all relevant permit applications.

Construction Site Storm Water Runoff Control

BMP 4.4 Plan Review, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement

Measurable Goal 4.4.1: *Conduct minimum of two County inspections per month during the rainy season (November 1 to April 15) on projects one acre or more of land disturbance*

Status: Not complete but ongoing. In Year 2, there were a total of 46 active grading permits with construction activities greater than one acre. Inspections at active sites occurred twice / month from Nov 1 through April 15.

Table 4-3 Active Grading Permits Sites > 1 ac Disturbance

<u>Area</u>	<u># Permits</u>	<u># Inspections</u>
North County	24	253
South County	<u>22</u>	<u>170</u>
Total:	46	423

The inspection records for the permits shown above are in Appendix 4E.

As shown in these records, there were many cases where two inspections were not completed within a month, during the period Nov 1 through April 15. The reason is because the County's Grading Division staff was reduced from four to two inspectors starting in November 2007, due to the decline in grading permit applications. Since the time this measurable goal was established until this year, the Grading Division has been able to meet the goal of two inspections per month in rainy season. However, due to the staff decrease in Year 2, this goal was not achieved for every month in all cases, as shown in Appendix 4E.

During Year 2, due to recent building code changes and new requirements to meet these inspections, the Building and Safety Division performed a time and motion study to evaluate current fees. This study showed, among other things, that the current fees charged for grading and erosion control permits is not adequate to cover costs associated with the required number of erosion control inspections and the required number of grading inspections. In other words, Building and Safety has not been collecting adequate fees for full program cost recovery. Upon the Board of Supervisor's approval of new proposed fees, Building and Safety will be able to insure adequate staff is available to meet all required inspections on an annual basis.

In addition to inspections required under the Section 14-18 of the County Code by Building & Safety Division staff, Development Review Division staff inspects construction sites that are subject to permit compliance conditions. Most discretionary projects are specially conditioned for erosion and sediment control measures as well

Construction Site Storm Water Runoff Control

as dust control measures, therefore it is a direct permit condition requiring enforcement and monitoring by County staff, especially in the winter time. Since Grading Inspectors are specifically trained in the areas of grading, drainage and erosion control, permit compliance inspectors will notify the area grading inspector of any concerns found in these areas during their routine compliance inspections.

Currently, there is no report format that lists cases and dates of permit compliance inspections. Revisions to Accella, expected to be implemented during Year 3, will improve tracking and reporting of cases greater than 1.0 acre. For example, it will include all compliance inspections that occurred.

Proposed Modifications: No changes are recommended to this measurable goal.

Planned Year 3 Activities: Ongoing program for inspections will continue and every effort made to reach the measurable goal of two inspections / month during period Nov 1 through April 15. During Year 3, the County will continue toward completion of necessary updates to the electronic tracking system, Accella, so that the results of such inspections, including compliance inspections, can easily be tracked and reporting will be improved next year. Status of a Grading Permit fee increase will be reported in the Year 3 report.

Measurable Goal 4.4.2: *Conduct minimum of four County inspections throughout project duration during non-rainy season.*

Status: Complete. See Appendix 4F for records of inspections at all active (open) grading permit locations.

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

Planned Year 2 Activities: Ongoing program for inspections will continue. During Year 3, the County will continue toward completion of necessary updates to the electronic tracking system, Accella.

Measurable Goal 4.4.3: *Take enforcement action at 100% of sites where BMPs failed, which may include verbal warnings, letters to correct, Stop Work Order, use of construction bonds, etc. Also may include cooperative enforcement coordination with RWQCB, where RWQCB violations have also occurred. Where a violation of Grading Ordinance has occurred, the results of enforcement actions will be provided in the Annual Report.*

Status: Complete. In Year 2, County Grading inspectors made 1,908 grading permit inspections in the North County, and 1,223 grading permit inspections on the South County. There were no Stop Work Orders or enforcement action requiring use of construction bonds or legal action in Year 2. Verbal warnings or corrections are tracked through individual site field notes; records available upon request.

Construction Site Storm Water Runoff Control

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

Planned Year 3 Activities: No additional activities proposed.

Measurable Goal 4.4.4: *Review and act on all information submitted by public (complaints and discoveries) to Project Clean Water concerning construction site activities within 24 hours.*

Status: Complete. There were nine incidents concerning construction-related wastes submitted to, and responded by, Project Clean Water staff. See Appendix 4G (all complaints/discoveries from the Project Clean Water records are in Chapter 3.0 IDDE appendices).

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

Planned Year 3 Activities: Continued response to all information submitted to PCW concerning construction site activities.

Measurable Goal 4.4.5: *Review and act on all info submitted by public to Building & Safety Division 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.

Proposed Modifications: None.

Planned Year 3 Activities: County will review and act on all info submitted by public to Building & Safety Division within three days

Measurable Goal 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.*

Status: Complete. Data is available to the public upon request – an example of such report is shown in Appendix 4F.

P&D is currently working on improved reporting and Public Access. There will be improved public access to the County's Accella database when the new version is released.

Construction Site Storm Water Runoff Control

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

Planned Year 3 Activities: Ongoing tracking of active grading permits to be provided to public upon request.

BMP 4.5 Discretionary Projects - Land Use Permits

Measurable Goal 4.5.1: *Review discretionary permit process and develop standard conditions and procedures to protect water quality during construction activities prior to SWMP implementation.*

Status: This measurable goal was completed prior to approval of the SWMP in July 2006. This included policy and standard conditions to protect water quality during construction and controls for erosion and non-storm water discharges – See SWMP.

Additional evaluation of this program was performed in Year 2 as discussed under BMP 4.2.

Proposed Modifications: No modifications to this measurable goal.

Planned Year 3 Activities: See MG 4.2.2.

BMP 4.6 Evaluate Land Use Permit Program Efficacy

Measurable Goal 4.6.1: *Compare the effectiveness of existing zoning ordinance, policies, and procedures pursuant to the requirements of the construction minimum control measure and evaluate effectiveness (year 2)*

Status: Complete. The Grading Ordinance and the development review process were evaluated to assure consistency with the General Permit requirements. A copy of the entire report is shown in Appendix 4A and discussed above under measurable goal 4.2.1.

Proposed Modifications: None.

Planned Year 2 Activities: Recommendations from the report will be evaluated and addressed during Year 3.

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

Status: To be implemented Year 3.

Construction Site Storm Water Runoff Control

Proposed Modifications: None

Planned Year 3 Activities: Recommendations from the report will be evaluated and addressed during Year 3. See also Measurable Goal 4.2.2.

4.7 Staff Training

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

Status: There are two grading inspectors from the Building and Safety Division, one each in the north and south county, and one supervisor. All three attended an 8-hour workshop hosted by the Central Coast Regional Water Quality Control Board in Santa Maria on October 10, 2007. In addition, one staff member from the Project Clean Water program also attended.

Proposed Modifications: None.

Planned Year 3 Activities: Attendance at training workshop(s), which may be the IECA conference in Reno, February 2009.

Measurable Goal 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).*

Status: Development review staff received training as part of their scheduled post-construction training.

Table 4-4 Staff Training: Development Review

Location	Date	Staff Trained	Total staff	Percent Attendance	Meet Measurable Goal?*
Santa Maria	Mar 31, 2008	14	15	90%	Yes
Santa Barbara	Apr 18, 2008	11	14	80%	Yes

*Note: The four staff unable to attend include two senior level staff, one of whom was the planner responsible for the initial program development with the NPDES General Permit and another who is a former Project Clean Water staff, and another two staff who subsequently left employment at the County. Therefore, no follow-up training was deemed necessary.

Construction Site Storm Water Runoff Control

Because it was linked with the post-construction training, copies of the training material can be found in Appendix 5E. Additional discussion on effectiveness of the survey is discussed in Section 7.5 under MG 5.5.2.

In addition to the staff training on April 18, 2008, the south county compliance inspector (Development Review staff) also attended the workshop on the construction program evaluation on April 17, 2008 (see Measurable Goals 4.2.1 and 4.8.1).

Proposed Modifications: None

Planned Year 3 Activities: Construction issues will continue to be included in the Development review training conducted under BMP 5.5.

4.8 Construction Workshops

Measurable Goal 4.8.1: *Develop County-sponsored training/workshops directed toward the construction community with brochures and guidance materials developed and distributed to development and construction community (Year 2).*

Status: Two public workshops directed toward the construction community were held in Year 2. The subject of the workshops was to provide an overview of the Countywide procedures for protecting water quality from impacts during construction activities regulations and BMPs applicable to the construction community.

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Table 4-1 Construction Workshops

<u>Date</u>	<u>Location</u>	<u>Total # Attending (# County staff)</u>
April 24, 2008	Santa Maria	6 (5)
April 17, 2008	Santa Barbara	6 (3)

In addition to a mass email to the Project Clean Water stakeholders, advertising for the workshops included the entire membership of the Santa Barbara Contractors Association (in April newsletter), the Santa Maria Valley Contractors Association (electronic newsletter and announcement at General Meeting), and the Home Builders Association of the Central Coast (email).

A copy of the presentation is shown in Appendix 4H.

Construction Site Storm Water Runoff Control

The following handouts and brochures were provided:

- Preventing Pollution in our Creeks and Ocean – A Guide for Construction Contractors (see http://www.sbprojectcleanwater.org/Documents/2001_Construction.pdf)
- Developing Your Stormwater Pollution Prevention Plan – A Guide for Construction Sites (see http://www.epa.gov/npdes/pubs/sw_swppp_guide.pdf)

Copies of the handout Developing Your Stormwater Pollution Prevention Plan – A Guide for Construction Sites was also distributed to all Planning & Development Department Building counters. Fifty of these guides were distributed between the Santa Barbara, Buellton, and Santa Maria building counters. These guides for Stormwater Pollution Prevention Plans are published by the U.S. EPA and were reprinted by County of Santa Barbara.

Proposed Modifications: None.

Planned Year 3 Activities: See Measurable Goal 4.8.3.

Measurable Goal 4.8.2: *Post details of 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, with minor updates in Year 2. See <http://www.sbprojectcleanwater.org/construction.html>

The County's Building & Safety website also provides information on the permit including grading permit submittal requirements, fees, and application/permit status, with links to appropriate BMPs for submitting an Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan. See <http://sbcountyplanning.org/building/index.cfm>

Together, these two website provide guidance on the requirements for obtaining Grading Permits, where to find appropriate County-adopted BMP manuals, and what is required to comply with the local clean water requirements.

Proposed Modifications: None.

Planned Year 3 Activities: Ongoing updates of websites, as needed or appropriate.

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

Status: See MG 4.8.1 for Year 2.

Proposed Modifications: None.

Construction Site Storm Water Runoff Control

Planned Year 3 Activities: There will be a workshop in Year 3, hosted by the Central Coast Regional Water Quality Control Board in conjunction with Caltrans, in October 2008. This annual workshop typically has 50-75 attendees. The October workshop is expected to be held in the Santa Maria area. Similar to last year, County staff will assist the state's consultant in locating a venue and construction site for the field trip, and County staff will offer handouts and information to attendees at the workshop.