

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 5 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. See Annual Report Year 2.

Proposed Modifications: None.

Planned Year 5 Activities: No additional activities are proposed for this BMP.

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: The summary of recommendations and their status is presented in the Annual Report from Year 3. The one outstanding recommendation was to revise the Grading Ordinance (Chapter 14 of Santa Barbara County Code).

Grading Ordinance revisions were developed during Year 4. The revised ordinance was made public on June 8, 2008 with public workshops on June 15 in Santa Barbara and June 17 in Santa Maria. The revisions are scheduled for consideration by the Board of Supervisors in fall 2010. The Grading Ordinance is being revised to ensure that all drainages are adequately protected from construction and non-construction related activities including vegetation removal, landscaping, and clearing and grubbing. Changes include expanding the scope of the ordinance to include land clearing disturbances and regulating activities within 50 feet of any watercourse or drainage way. Changes to permit requirements will ensure regulatory oversight and the application of best management practices for newly defined non-agricultural land

disturbance. Proposed Grading Ordinance revisions are outlined in the August 16, 2010 Addendum to the Year 3 Annual Report.

Proposed Modifications: None.

Planned Year 5 Activities: The revised Grading Ordinance is scheduled for consideration by the Board of Supervisors in fall 2010. The new code will be implemented by staff 30 days after final approval by the Board of Supervisors.

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 projects¹ 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 40 CFR Section 122 and the Clean Water Act. 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 4 had either an Erosion and Sediment Control Plan or Storm Water Pollution Prevention Plan approved. In Year 4, there were 120 Grading Permits issued requiring Erosion and Sediment Control Plans (or Storm Water Pollution Prevention Plans) approved, as shown in Appendix 4A.

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

Planned Year 5 Activities: Ongoing requirements will be implemented on 100% of all relevant permit applications.

¹ Erosion and Sediment Control Plans are required as part of the grading plan submittal for any new grading, excavations, fills, cuts, borrow pits, stockpiling, compaction of fill, and land reclamation projects on privately owned land where the transported amount of materials individually for any of the abovementioned operation, exceeds fifty (50) cubic yards; or the cut or fill exceeds three (3) feet in vertical distance to the natural contour of the land.

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: In Year 4, there were a total of 41 active grading permits with construction activities greater than one acre. A list of cases with site activities greater than one acre is shown in Appendix 4B.

Inspections at active sites greater than 1.0 acre are required a minimum of twice per month from November 1 through April 15. Records for the 2009-10 rainy season inspection period indicate that the required two/month inspections was not completed during the month of November at 25 active construction sites greater than 1.0 acre. This occurred due to an unexpected loss of staff. These sites are all located in the north County inspection area. Records show the required inspection schedule was resumed in December.

The August 16, 2010 Addendum to the Year 3 Annual Report provides a strategy to ensure that County staff inspects all construction sites disturbing an acre or more of ground at least twice per month during the rainy season in future years. This strategy includes the following:

1. **Staffing.** Sufficient staffing currently exists and will be maintained in the Building and Safety Division, Grading Section, to ensure that adequate staff resources are available to perform all required construction site inspections.
2. **Cross-training of staff and/or use of specialized contractors.** If unforeseen circumstances limit staff availability, the County building inspectors can be cross-trained in grading and erosion control requirements and can be made available to complete construction site grading inspections. Specialized contractors are also available for grading inspection services if necessary.
3. **Improvements to the permit tracking and reporting system capability.** The County's automated permit tracking system will be utilized to provide notification of required inspections for all projects with erosion control or grading permits, prescheduling of all inspections, and automatic notification to both the assigned inspector and their manager in the event of a staff absence.
4. **Management review and tracking of inspections.** Oversight of the program has been improved through the review of data reports and other appropriate management review of program components.

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 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.

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

Planned Year 5 Activities: The strategy outlined above will be implemented and closely monitored to ensure that County staff inspects all construction sites disturbing an acre or more of ground at least twice per month during the rainy season.

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

Status: Complete. There were 120 active grading permits filed in Year 4. Case detail including inspection activity for those cases where construction began, is shown in Appendix 4A.

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

Planned Year 5 Activities: Ongoing program for inspections will continue.

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. There were no Stop Work Orders or enforcement action requiring use of construction bonds or legal action. Verbal warnings or corrections are tracked through individual site field notes; records available upon request.

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

Planned Year 5 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 was one incident concerning construction-related wastes submitted to, and acted upon by, Project Clean Water staff. Case 09-018 in Summerland was a discharge of concrete into the street and gutter from a single-family residential remodel (see Appendix 3A). The incident was reported after material had dried. Also, erosion and sediment control BMPs needed to be maintained. Staff from Building & Safety, including both the grading inspector and the building inspector, also visited the site on the same day and were able to follow-up subsequently to confirm that the area was cleaned up and BMPs repaired.

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

Planned Year 5 Activities: Continued response to all information submitted to Project Clean Water 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 in to the County Planning & Development Department and referred to Grading Inspectors become a mandatory inspection, and are inspected within 48 hours.

Proposed Modifications: None.

Planned Year 5 Activities: County will review and act on all information submitted by the public to the 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: Inventory is complete, as shown in Appendix 4A.

Proposed Modifications: This measure was implemented in Year 1; no changes are recommended.

Planned Year 5 Activities: Ongoing tracking of active grading permits will be provided to the 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.

Proposed Modifications: None.

Planned Year 5 Activities: No changes are anticipated in Year 5 to the land use permit process.

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. Additional evaluation of this program was performed in Year 2.

Staff recommended improvements and their status are as follows:

Tracking BMPs. Because permits are not tracked by individual conditions, it is difficult to determine which projects have specific conditions for construction BMPs. The case tracking database is complex and requires a great deal of time for staff input. Tracking permits by individual conditions was determined to be impractical at this time compared to any value gained. Currently, cases have a single condition letter from Planning & Development that includes all conditions. In addition, projects are separately conditioned by other County departments and/or divisions. Ongoing procedures will not be modified.

Tracking Complaints. Complaints or discoveries submitted by the public regarding construction activities that have potential water quality impacts are not tracked separately from all other zoning or permit related complaints. Tracking complaints based upon a potential water quality concern was determined impractical at this time

compared to the value of that information. Procedures for ongoing tracking of enforcement cases will not be modified.

Applying Standard Conditions. During Year 4, a new requirement was added to the process of approving Grading & Drainage plans to include a Detail Note describing standard construction BMPs required to protect water quality from both storm and non-storm discharges. This ensures that minimum construction BMPs are applied to projects through the grading plan review and approval process.

The new language reads:

Best Management Practices for Construction Activities: Eroded sediments and other pollutants must be retained onsite and may not be transported from the site via sheet flow, swales, area drains, natural drainage courses, or wind. Stockpiles of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water. Fuels, oils, solvents, and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills may not be washed into the drainage system. Excess or waste concrete may not be washed into public way or any other drainage system. Provisions must be made to retain concrete wastes on site until they can be disposed as a solid waste. Trash and construction related solid waste must be deposited into a covered waste receptacle to prevent contamination of rainwater and dispersal by wind. Sediments and other material may not be tracked from to the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental deposition must be swept up immediately and may not be washed down by rain or other means. Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to minimize erosion by wind and water.

Proposed Modifications: None.

Planned Year 5 Activities: See MG 4.6.2.

Measurable Goal 4.6.2: *Develop or modify relevant ordinance, policy, procedures, or standard conditions to meet or exceed all of the requirements in the General Permit.*

Status: See MG 4.2.2.

Proposed Modifications: None

Planned Year 5 Activities: See MG 4.2.2.

4.7 Staff Training

Measurable Goal 4.7.1: *Train 100% of all County grading inspectors.*

Status: There are two grading inspectors from the Building and Safety Division, one each in the North and South County. Both attended a 4-hour workshop on new General Construction Permit requirements hosted by the Central Coast Regional Water Quality Control Board in San Luis Obispo on March 16, 2010.

Proposed Modifications: None.

Planned Year 5 Activities: Attendance at training workshop(s) or other appropriate venue for grading staff.

Measurable Goal 4.7.2: *Train 100% of all permit and review staff in the appropriate selection and application of adopted Standard Conditions for construction related activities.*

Status: All P&D development review staff received training by Project Clean Water staff during Year 4.

Table 4-4 Development Review Staff Training

Location	Date	Attended	Total staff	Percent trained	Met Measurable Goal?
Santa Maria	Jan 25 and makeup Jan 26.	9	9	100%	Yes
Santa Barbara	Jan 11 and makeup Jan 19	11	11	100%	Yes
Total		20	of 20		

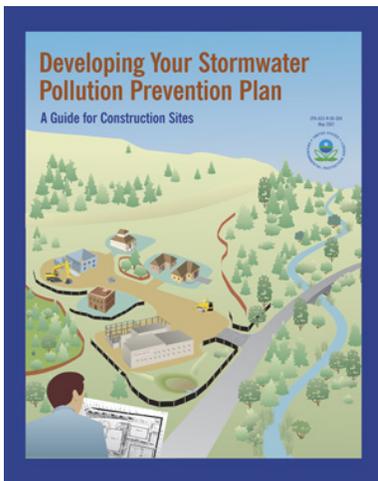
Proposed Modifications: None

Planned Year 5 Activities: The topic of construction activities and the role of planning staff 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: Complete in Year 2. During Year 4, 150 booklets on construction BMPs published by EPA entitled, *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites* were distributed to public at Building & Safety counters.



The booklet is 50 pages and in color, also available as a PDF. In Year 3, one hundred percent of the 100 booklets were taken at the counter; therefore, a larger number were provided in Year 4 since the interest in the booklet was very high. The cost to reproduce the booklet is such that continued distribution in Year 5 may be prohibitive. Every effort will be made to find alternative funding for this valuable public resource.

Proposed Modifications: None.

Planned Year 5 Activities: See Measurable Goal 4.8.3.

Measurable Goal 4.8.2: *Post details of construction-related requirements on County website (Year 1).*

Status: Completed and ongoing. See <http://www.sbprojectcleanwater.org/construction.html>

The County's Building & Safety website also provides information on construction-related requirements 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>

Proposed Modifications: None.

Planned Year 5 Activities: Ongoing updates to websites, as needed and appropriate.

Measurable Goal 4.8.3: *Present at least one public workshop on County construction site BMPs per year.*

Status: During Year 4, the State of California sponsored a construction workshop in Santa Barbara on May 12, 2010.

Proposed Modifications: None.

Planned Year 5 Activities: Project Clean Water staff has found that there is very little public interest in construction BMPs unless there is an issue such as new regulations (i.e. General Construction Permit requirements) or new procedures (i.e. new submittal requirement for Erosion & Sediment Control Plan). No similar topic of interest is anticipated in Year 5. In order to encourage attendance and participation, a construction-related workshop may be tied to another activity or event, such as a stakeholder meeting, if another opportunity is not available. Meanwhile, staff have observed a great deal of interest by the public in taking a free booklet, made available at Building and Safety counters, entitled *Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites (EPA)*. Staff will consider the value of this targeted information on appropriate construction BMPs as an alternative to holding future workshops, depending on the level of public interest.