

4.0 CONSTRUCTION SITE RUNOFF CONTROL

Responsible Person to Implement or Coordinate this Minimum Control Measure: County Planning and Development Director.

The purpose of construction site runoff controls is to prevent soil and construction waste from entering storm water. Sediment is usually the main pollutant of concern; during a short period of time, construction sites can contribute more sediment to creeks than can be deposited naturally over several decades. In addition, there is little buffering or filtering where construction occurs in an urban setting because site discharges may occur directly to gutters or storm drains. The resulting siltation and the contribution of other pollutants from construction sites can cause physical, biological, and chemical harm to local waterways.

4.1 Minimum Requirements

EPA guidelines establish the following minimum requirements for Construction Site Runoff Control Minimum Control Measure (*Fact Sheet 2.6 – Construction Site Runoff Control Minimum Control Measure, 01/00*):

- Ordinance or other regulatory mechanism as well as sanctions to ensure compliance
- Requirements for construction site operators to implement appropriate erosion and sediment control BMPs
- Requirements for construction site operators to control construction-related wastes such as sediment, plaster, cement, paint, fuel, etc.
- Procedures for site plan review which incorporate consideration of potential water quality impacts
- Procedures for receipt and consideration of information submitted by the public
- Procedures for site inspection and enforcement of control measures

The State's General Permit requires the County to apply these control measures to all construction sites of one acre or more. The County must also comply with the Receiving Water Limitations defined in Attachment 4 of the General Permit ("discharges shall not cause or contribute to exceedences of water quality standards..."). Section 14-2 of the Grading Ordinance states:

This chapter also addresses compliance with the National Pollutant discharge Elimination System (NPDES) Phase II storm water regulations and sets forth local storm water requirements for the disturbance of less than one acre, to avoid pollution of water courses with sediments or other pollutants generated on or caused by surface runoff on or across the construction site.

In addition to County rules, the NPDES General Permit for Construction Sites requires development of a Storm Water Pollution Prevention Plan and submittal of NOI directly to RWQCB for construction activities greater than 1.0 acres.

4.2 Best Management Practices

Generally speaking, Best Management Practices for Construction Site Runoff Control fall into three categories: 1) regulations that establish parameters, procedures and sanctions pertaining to construction site activities, 2) inspection and enforcement, and 3) training of staff. In October 2002 the County modified its Grading Ordinance and updated land use policies to address Phase II requirements including BMPs in all three categories. Because the modifications were adopted before the adoption of the final Phase II General Permit, the County will review the adequacy of its Grading Ordinance and discretionary review process with respect to the Phase II General Permit and modify the Grading Ordinance as necessary within the term of this permit. The BMPs that will be implemented by the County are discussed below.

4.2.1 Grading Ordinance Revisions

Federal rules (40 CFR §122.34) require that the County's program include *an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable local law*. The County's Grading Ordinance (Chapter 14 of County Code, Ordinance No. 4477), which addresses construction site runoff control and associated inspection and enforcement procedures under the Building and Safety Division of Planning and Development (P&D), provides the appropriate framework for implementing construction runoff control measures. P&D staff revised the grading ordinance to specifically incorporate 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. The County Board of Supervisors adopted the revisions on October 1, 2002. (Appendix E - 2002 Revised Grading Ordinance).

Under the existing grading ordinance, a permit is required when 50 cubic yards or more are graded. This is less than the one-acre threshold under the EPA's Phase II requirements, thus no change was made to the applicability of the ordinance. The revisions also did not affect agricultural grading or practices. The major revisions to the Grading Ordinance were the minimum acreage trigger and clarification on the construction BMPs required, including reference to County-approved BMP manuals.

The scope of the Grading Ordinance is as follows (see Section 14-6):

(a) Except as herein provided, these regulations, including the incorporation of relevant best management practices, shall apply to all 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 above mentioned operation, exceeds fifty cubic yards; or the cut or fill exceeds three feet in vertical distance to the natural contour of the land. Agricultural grading, whether exempt or required to be permitted hereunder, is not subject to NPDES Phase II storm water regulations or the local storm water requirements imposed by this chapter. No work subject to the provisions of this chapter shall be commenced, maintained or completed, in violation of these regulations.

In summary, the revisions to the Grading Ordinance included:

- Language linking the ordinance to the NPDES Phase II regulations
- New definitions to clarify NPDES-related terms used in the ordinance
- Required preparation and implementation of erosion and sediment control and storm water BMPs for all grading operations that require a grading permit (many projects are also required to implement erosion and sediment control measures as conditioned by their discretionary permit)
- Prohibitions of non-storm water construction related discharges (e.g. concrete truck washout, proper disposal of discarded building materials, construction vehicle leaks and maintenance, etc.)
- Submittal of copies of the Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) for sites of one or more acres of land disturbance in accordance with the Phase II construction program
- Enhanced site inspection procedures
- Specific guidance on the use of approved BMP manuals.

The County will evaluate the potential scope of and adopt a specific Storm Water Ordinance, or Water Quality Pollution Prevention Ordinance, as discussed above under Illicit Discharge Detection and Elimination (Section 3.0). Since the Grading Ordinance does contain all the necessary components of the Construction element of the SWMP, it is necessary to be deliberate as to how such a new ordinance would relate to enforcement actions pursuant to the Grading Ordinance, since enforcement of construction BMPs is already regulated under the existing Grading Ordinance by the County Planning and Development Department.

Sanctions to ensure compliance are outlined in Sections 20, and 31 through 33 of the Grading Ordinance and include:

- 1) Assigning authority to the Director of Planning and Development for enforcement and interpretation
- 2) Ensuring a Stop Work Order where violation of any provision of the permit (or exemption of the permit) has occurred
- 3) Providing for appeals through the County Board of Supervisors
- 4) Defining that a violation is an infraction or misdemeanor at the discretion of the County District Attorney
- 5) Providing fines and civil penalties (up to \$25,000 or imprisonment for six months).

4.2.2 Erosion and Sediment Control Requirements

Federal rules (40 CFR §122.34) require that the County's SWMP include *requirements for construction site operators to implement appropriate erosion and sediment control (ESC) best management practices and requirements for construction site operators to control construction-related wastes such as sediment, plaster, cement, paint, fuel, etc.* Section 14-29 of the Grading Ordinance requires an Erosion and Sediment Control Plan be submitted and approved prior to construction. In lieu of an Erosion and Sediment Control Plan, the County will accept a Storm

Water Pollution Prevention Plan (SWPPP) if required by the RWQCB, provided it contains the requirements of the County's Erosion and Sediment Control Plan.

The Erosion and Sediment Control Plan must include:

- 1) Description of the proposed practices to retain sediment on site and a schedule for their maintenance.
- 2) Description of surface runoff and erosion control practices to be implemented
- 3) Description of vegetative practices to be used (including seeds, fertilizers, irrigation, and schedule for maintenance)
- 4) Measures to ensure that vehicles do not track materials onto public streets (and actions to remove such materials if necessary)
- 5) Best Management Practices for control of storm water and non-storm water discharges, such as discarded building materials, litter, sanitary waste, washout of waste materials such as drywall, grout, gypsum, plaster, mortar, concrete, etc.

In order to provide consistent and appropriate implementation of BMPs for construction activities, the Grading Ordinance refers to existing effective BMP manuals already published and widely applied by the construction community. The manuals, adopted by the Board of Supervisors on September 24, 2002, help applicants select and implement site-specific appropriate BMPs. The three manuals adopted by reference in the Grading Ordinance (14-38) include:

- California Department of Transportation. *Storm Water Quality Handbook: Construction Site Best management Practices (BMPs) Manual*. 2000 or current.
- California Regional Water Quality Board San Francisco Bay Region. *Erosion and Sediment Control Field Manual*. 1999 or current.
- California Stormwater Quality Task Force. *California Storm Water Best Management Practices Handbooks: Construction Activity; Industrial/Commercial Activity; and Municipal Activity*. Three volumes, March 1993.

These particular manuals offer a wide range of choices to the applicant for selection and implementation of BMPs. The wide range of choices provides measures that can be applied appropriately for each unique project. They include detailed and specific BMPs for large or complex projects to simple and straightforward BMPs for small or low impact projects.

The types of BMPs that are included in these manuals and will be considered by staff reviewing the permits include:

- Runoff control measures (e.g., minimize excavation, provide permanent diversion, minimize clearing of vegetation, provide stabilized construction entrances, check-dams, filter berms, drainage swales, chemical stabilization, vegetated stabilization, mulching, geotextiles or erosion control blankets, terracing, slope drains, etc.)
- Sediment control measures (e.g., diversion dikes, silt fences, sediment basins, sediment filters or traps, storm drain inlet protection, etc.)
- Good housekeeping (e.g., waste management, spill prevention and control, vehicle maintenance, controlled washout areas with plans for removal of wastes, etc.)

The final decision on which specific BMPs should be applied to a project based on the appropriateness and effective use of the proposed BMPs are made by Planning and Development staff and are approved through the Erosion and Sediment Control Plan consistent with the provisions of the General Permit.

4.2.3 Requirements for Plan Review, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement

Federal rules (40 CFR §122.34) require that the County's SWMP include *procedures for site plan review which incorporate consideration of potential water quality impacts; procedures for receipt and consideration of information submitted by the public, and procedures for site inspection and enforcement of control measures.*

Procedures for reviewing Grading Permit submittals, including the Erosion and Sediment Control Plan described above, include how to file for a permit (14-11), what to include in the application (14-11), time limits of the permit (14-13), denial of permit if grading operations commence before securing the permit (14-15), permit and plan check fees (14-16), submittal of security with P&D Director (14-17). Work conducted under a grading permit requires the owner or contractor to adhere to the Santa Barbara County Building and Safety Division Grading Notes. The Grading Notes are provided to each applicant as part of the grading permit. The Grading Notes list 12 requirements, several of which pertain to protection of water quality by preventing erosion or sediment movement both during and after construction. These include:

- *Grading Note #3: Contractor shall employ all labor, equipment and methods required to prevent his operations from producing dust in amounts damaging to adjacent property, cultivated vegetation, and domestic animals or causing a nuisance to persons occupying buildings in the vicinity of the job site. Contractor shall be responsible for damage caused by dust from his grading operation.*
- *Grading Note #4: Before beginning work requiring exporting or importing of materials, the Contractor shall obtain approval from Public Works Road Division for haul routes used and methods provided to minimize deposit of soils on roads.*
- *Grading Notes #5, #8, #9 and #10 guarantee that cut slopes and fill material will not erode or slump which could adversely affect water quality if material moves into a water conveyance system. They include requirements such as verification by a geotechnical engineer that work is properly completed, all slopes appropriately keyed and benched, all fill material properly moist and compacted, and excavation does not exceed 1 ½ horizontal to 1 vertical.*

Inspections (Sec 14-18) are required for all permits by authorized employees of the Planning and Development Department. The builder or contractor must keep a set of the Erosion and Sediment Control Plans on site at all times while work is in progress. The following inspections are required under an applicant's Grading Permit:

- 1) Initial (prior to beginning grading to inspect and review erosion and sediment control BMPs)
- 2) Toe (prior to receiving fill to review Erosion and Sediment Control BMPs)
- 3) Excavation (before vertical excavation exceeds ten feet)
- 4) Fill (before vertical fill exceeds ten feet)
- 5) Drainage Device inspection (after forms and pipe are in place to inspect Erosion and Sediment Control BMPs)
- 6) Rough Grade (prior to final grade)
- 7) Final (all work, planting, and slope stabilization is complete)
- 8) Other (at any time, for any purpose, including compliance with the Grading Ordinance and any other laws and regulations as may be required by the Director of P&D such as the requirements of the County NPDES permit 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.

During the rainy season (November 1 to April 15), a minimum of two County inspections per month will be conducted on active projects with open grading with one acre or more of land disturbance to verify that all construction BMPs are in place and performing, and to evaluate whether additional BMPs may be warranted to control site runoff.

County Grading Inspectors will consider priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality.

Section 14-8 also specifically states:

On construction sites of one 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 erosion and sediment control plan or 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.

Enforcement and interpretation of the provisions of the Grading Ordinance are authorized and directed by the Director of Planning and Development (14-31). As described above, the Director may order any work stopped, and may require certification, approval, guidance, and/or recommendation that may assist in the determination of the propriety of the activity to be carried on before allowing the progress of work to continue. 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:

(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.

(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)

Information submitted by the public helps reinforce the public participation element of the Storm Water Management Plan and helps to identify instances of non-compliance. Information may either be provided to Project Clean Water staff or directly to Planning and Development staff. For information provided to Project Clean Water staff, the procedures include a 24-hour minimum response. The information would be directed to Planning and Development staff, including the grading inspector if a Grading Permit had been issued, or compliance officer with Development Review if project conditions were violated. Project Clean Water maintains a database of all complaints and discoveries; outcome of all complaints and discoveries are recorded and reported to the RWQCB through annual reports. Information collected by Planning and Development would be provided directly to the construction site inspector or compliance officer, or both, for immediate follow-up as appropriate.

Procedures for receiving and considering information that is directed to the Zoning Division of Planning and Development are described in the Zoning Code Chapter 35 Article II, and Article III Sections 35-330.8. Procedures include request for a hearing and establishing timelines for determining the validity of the complaint. For information that is directed to Building & Safety Division (i.e., violations of Building Permits or Grading Ordinance), a complaint form is used to record the name, address and site location concerning a potential grading or building violation. Building & Safety will respond to 100% of all information submitted by the public within three days. This includes a site inspection, verification of whether a Grading Permit or Building Permit has been issued, and determination of whether a permit violation has occurred. If a violation is determined, a case number is established and follow-up would depend on the nature of the violation, usually starting with verbal instructions to correct, followed by correction notice, and possibly ending in enforcement action (see Grading Ordinance Section 14-33 Violations and Penalties Appendix E for details).

Table 4-1: How Grading Ordinance Meets or Exceeds the Construction MCM

Construction MCM Requirement	Compliance	Additional Effort Required
Ordinance or other regulatory	Grading Ordinance: Applies to	None.

Construction MCM Requirement	Compliance	Additional Effort Required
mechanism as well as sanctions to ensure compliance	all construction projects of 50 cubic yards or more and includes sanctions to ensure compliance through civil penalty. Also, all discretionary projects are subject to review and conditioning to protect water quality. Sanctions to assure compliance include civil penalty.	
Requirements for construction site operators to implement appropriate erosion and sediment control BMPs	Section 14-29 of the Grading Ordinance requires an approved Erosion and Sediment Control Plan. Implementation of the plan is verified through regular site inspections. Discretionary projects are also subject to conditioning to protect water quality.	None.
Requirements for construction site operators to control construction-related wastes such as sediment, plaster, cement, paint, fuel, etc.	Section 14-29 of the Grading Ordinance requires an approved Erosion and Sediment Control Plan. Implementation of the plan is verified through regular site inspections. Discretionary projects are also subject to conditioning to protect water quality.	None.
Procedures for site plan review which incorporate consideration of potential water quality impacts	Section 14-29 of the Grading Ordinance requires an approved Erosion and Sediment Control Plan that lists BMPs on the site plan to prevent potential water quality impacts. Discretionary projects are also subject to conditioning to protect water quality – see above discussion on discretionary review process.	None.

Construction MCM Requirement	Compliance	Additional Effort Required
Procedures for receipt and consideration of information submitted by the public	Planning and Development staff and Project Clean Water staff will receive and verify information submitted by public, with follow-up measures as appropriate (see Illicit Discharge and Detection).	None.
Procedures for site inspection and enforcement of control measures	Inspection schedule established in Grading Ordinance Section 14-8. Enforcement in Grading Ordinance Section 14-3 (Authority to Regulate), Section 14-33 (Violations and penalties), and 14-34 (Injunction--Civil remedies and penalties--And costs) For discretionary projects, inspection and enforcement are included in the project conditions and subject to a variety of enforcement actions, depending on the nature of violation.	None.

4.2.4 Discretionary Projects – Land Use Permits

In addition to the ministerial requirements of the Grading Ordinance, the County’s discretionary permit review process provides additional authority for regulating discharges associated with construction activities. The discretionary review process compliments the Grading Ordinance by providing additional conditioning, monitoring, and enforcement authority through the Zoning Ordinance, while providing opportunity to protect construction site runoff where the Grading Ordinance does not apply. For example, some projects may not require a grading permit (i.e., redevelopment that does not meet the 50 cubic yard threshold) but would be 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.

Before construction occurs, site-level planning occurs to minimize construction related impacts to water quality. The County’s Comprehensive Plan provides policies to minimize grading and erosion during construction (Hillside and Watershed Protection Policies 3, 4, 5 and 7, Coastal Plan Policies 3-15, 3-16, 3-17 and 3-19). Specifically, these include requirements to: minimize grading; limit grading on steep slopes; encourage good site design; provide development

setbacks “buffers” from creeks and streams; and protect and restore sensitive habitats including wetlands.

Review of surface water quality issues occurs during CEQA review and as a part of planning review (Staff Report preparation) during which projects are evaluated for consistency with the County’s Comprehensive Plan policies and Zoning Ordinance requirements. Discretionary projects are also reviewed by multiple County Departments, including Water Resources Division staff (Flood Control District and Water Agency), who will evaluate proposed BMPs for their appropriateness to site conditions.

Comprehensive Plan riparian and wetland protection policies also address water quality protection through preservation and restoration of riparian corridors and vegetation. In December 2000, P&D issued a policy paper to staff on creek and riparian protection clarifying the intent and application of these policies. This paper addresses appropriate application of riparian buffers, when encroachment into buffers may be permitted, requirements for offsetting measures when encroachment is permitted, appropriate measures to physically delineate protected areas and other requirements for ensuring consistency with creek protection policies. Guidance material published by EPA in support of the Phase II regulations encourages controls such as buffer strips and riparian zone preservation to improve water quality.

The implementation guidelines are shown in Appendix F. The following are examples of interpretive and implementation guidelines:

- Site planning to avoid, protect, and restore sensitive areas (e.g., wetlands and riparian corridors);
- Adequate space on each project site shall be reserved to incorporate the BMPs
- Site planning to avoid grading or vegetation removal on slopes over 20%
- Site planning to avoid grading in areas containing soils with a high erosion hazard or in geologically unstable areas
- Site planning to minimize grading or vegetation removal where slopes over 20% cannot be avoided to allow reasonable use of a legal lot
- Protection of existing native vegetation and enhancement of sensitive areas (e.g., wetlands and riparian corridors)
- Good housekeeping practices (e.g., designated waste collection areas, designated areas for vehicle maintenance and washing, proper vehicle maintenance to avoid leaks, elimination of connections to storm drains, immediate clean up of spills, recycling and reuse of materials, etc.)
- All construction-related BMPs shall be maintained in working order.
- Provisions shall be made for maintenance of construction-related BMPs.

CEQA Guidelines for Water Quality

The 1995 Santa Barbara County Environmental Thresholds and Guidelines Manual includes guidelines and thresholds to determine the significance of program and project-related impacts under CEQA. The thresholds and guidelines are adopted by the Board of Supervisors and are applied to all new private and public projects to determine when a project’s water quality

impacts may be considered significant. The guidelines summarize EPA studies demonstrating adverse water quality impacts from construction activities, provide guidance as to when a project's surface and storm water quality impacts may be considered significant, less than significant or cumulatively significant, and provide a mitigation hierarchy. See Appendix F2.

Standard Conditions of Approval/Mitigation Measures

P&D has developed "A Planners Guide to Conditions of Approval and Mitigation Measures". This document provides a list of recommended conditions of approval and mitigation measures for discretionary projects. Examples of the standard conditions to protect water quality during construction activities are shown in Appendix F4: Conditions of Approval and Mitigation Measures (specifically, see conditions 34, 40, 62, B, and P).

The conditions in the document enforce existing state and local regulations, Comprehensive Plan policies and include mitigation measures for commonly occurring environmental impacts. The Conditions/Measures are developed in conjunction with other County departments (e.g., Flood Control, Fire, Environmental Health Services, Parks). When adopted as a CEQA mitigation measure, all measures include a monitoring requirement.

Monitoring and Enforcement

During construction, discretionary project sites are monitored for compliance with the conditions of approval for construction-related BMPs. These site inspections by Development Review Division are conducted separately and in coordination with Building and Safety inspections (different staff), discussed above under the Grading Ordinance. Failure to comply with the conditions could result in any of the following enforcement actions: correction notice, stop work order, collection of bonds, and establishing a time frame for developer to take corrective steps to resume work. Violations of the conditions of approval are considered to be violations of the Zoning Ordinance.

4.2.5 Public Projects

County projects, whether constructed by County staff or County contractors, must conform with all legal requirements applicable under the Grading Ordinance (County enforced) and the NPDES Construction General Permit (RWQCB enforced). The only exception under the Grading Ordinance applies to the Flood Control and Water Conservation District.

The County's Flood Control and Water Conservation District is specifically exempt from the Grading Ordinance for maintenance and construction activities within their prescribed easements (14-6(b)(8)). Capital improvement projects that involve construction activities performed by the District or under contract to the District, like all other County construction projects, are subject to the NPDES Construction General Permit (99-08-DWQ) and, depending on the project, may be subject to additional conditions to protect water quality associated with other required permits. The Flood Control District requires that construction activities performed under contract to the District, regardless of size, follow appropriate construction BMPs on all construction projects, based upon the California Stormwater Quality Association (CASQA) Stormwater Best Management Practice Handbook for Construction. Proper implementation of construction BMPs consistent with the terms of this General Permit is enforced by the Flood Control District under the terms of the contract.

Flood Control maintenance activities are regulated under separate permits to protect surface water quality, and are described on Page 6-2 in Section 6.2.1 Pollution Prevention and Good Housekeeping Practices for Municipal Operations. The Final Program Environmental Impact Report Updated Routine Maintenance Program (November 2001), which includes BMPs for Flood Control District maintenance projects, is found in Appendix K.

4.3 BMPs and Measurable Goals

The following measurable goals (MG) will be used to check BMP progress each year as well as demonstrate the efforts made to reduce pollutants to the maximum extent practicable. The intent is to provide an opportunity to assess and evaluate the program and provide a feedback mechanism to measure and update the program as appropriate.

The following BMPs and measurable goals (MGs) will be applied to the construction program:

**Table 4-2
BMP Implementation: Construction Site Runoff Control**

#	BMP	Description	Measurable Goals	Year					Implementing Entity
				1	2	3	4	5	
4.1	Grading Ordinance Revisions	Grading Ordinance revised to specifically incorporate NPDES Phase II regulations.	MG 4.1.1 Revise Grading Ordinance prior to SWMP implementation.						County – Planning & Development
4.2	Evaluate Grading Ordinance Efficacy	Review and verify implementation of the Grading Ordinance complies with the General Permit requirements of this MCM.	<p>MG 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.</p> <p>MG 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.</p>		X				County – PCW, Planning & Development

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#	BMP	Description	Measurable Goals	Year					Implementing Entity
				1	2	3	4	5	
4.3	Erosion & Sediment Control; Control of Construction-Related Wastes	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.	MG 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.	X	X	X	X	X	County – Planning & Development
4.4	Plan Review, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement	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.	MG 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.	X	X	X	X	X	County - PCW, Planning & Development
			MG 4.4.2 Conduct minimum of four County inspections throughout project duration during non-rainy season.	X	X	X	X	X	
			MG 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.	X	X	X	X	X	
			MG 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.	X	X	X	X	X	
			MG 4.4.5 Review and act on all information submitted by public to Building and Safety Division within three days.	X	X	X	X	X	

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			MG 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.	X	X	X	X	X	
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.	MG 4.5.1 Review discretionary permit process and develop standard conditions and procedures to protect water quality during construction activities prior to SWMP implementation.						County – PCW, Planning & Development
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.	MG 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. MG 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.		X			X	County – PCW, Planning & Development
4.7	Staff Training	Staff will be trained on storm water BMPs for construction.	MG 4.7.1 Train 100% of all County grading inspectors. MG 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.	X	X	X	X	X	County – PCW, Planning & Development
4.8	Construction Workshops	Develop BMP workshops for construction community.	MG 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. MG 4.8.2 Post details of construction-related requirements on County website.	X		X	X	X	County – PCW, Planning & Development

4.4 Reporting

Feedback from County inspectors, RWQCB staff, construction contractors, project owners and the public will be evaluated and potential changes to the Grading Ordinance and its implementation will be evaluated. This includes a review of the enforcement activities that are recorded as violation cases by Building and Safety staff. To the extent these changes could change the level of protection to storm water quality they will be discussed in the annual report and recommendations made for improvement.