

Chapter 5

CONSTRUCTION SITE STORM WATER RUNOFF CONTROL PROGRAM

I. Introduction

Construction sites can result in the release of significant amounts of pollutants into the storm drain system without proper management. Construction work often involves the removal of vegetation and the excavation of soils causing erosion and the subsequent discharge of sediment. Activities conducted at construction sites can also result in the release of other pollutants to the storm drain system. The Construction Site Storm Water Runoff Control Program was developed to protect the City's storm drain system and the receiving water quality from pollutants that may be discharged as a result of construction activities. Construction activities include clearing, grading, excavation, landscaping, building, and remodeling of existing buildings. It also includes the construction of new roads and installation of pipes such as potable water or sanitary sewer pipes. Maintenance activities by the City on existing roads or pipelines, that involve some construction work, are addressed in the Municipal Operations Program.

The Phase II NPDES General Permit for Discharges of Storm Water from Small Municipal Separate Storm Sewer Systems (General Permit) requires the City to develop, implement, and enforce a program to reduce pollutants in any storm water runoff to the storm drain system from construction activities that result in a land disturbance of greater than or equal to one acre or are part of a larger common plan of development or sale that would disturb one acre or more. The City's program goes above and beyond the General Permit requirements because the City will require construction projects of any size to abide by mandatory Best Management Practices (BMPs).

In addition, the State of California requires construction sites equal to or greater than one acre, or less than one acre but part of a larger common plan of development or sale, to obtain coverage under the state's Construction Activities Storm Water General Permit (Construction General Permit). The landowner is responsible for filing a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and for developing a Storm Water Pollution Prevention Plan (SWPPP) prior to commencement of any soil disturbing activities.

The objectives of the City's Construction Site Storm Water Runoff Control Program are to:

- Minimize land disturbance at all permitted construction sites.
- Protect water quality from pollutants generated by construction activities.
- Require Best Management Practices (BMPs), including appropriate erosion and sediment control BMPs, to be implemented at all permitted construction sites.

- Verify that construction sites equal to or greater than 1 acre, or less than one acre but part of a larger common plan of development or sale, have filed a NOI and received coverage under the state's General Permit for Storm Water Discharges from Construction Activity.

II. Pollutants of Concern and Target Audience

EPA guidance documents name sediment as the major pollutant of concern resulting from construction activities. In addition, sediment is one of the primary pollutants of concern in the City as several of the watersheds are 303(d) listed as impaired for sediment. The San Lorenzo River and Carbonera Creek were identified as impaired by sediment on the 1998 Clean Water Act Section 303 (d) list of impaired water bodies. On May 16, 2003, the RWQCB adopted sediment Total Maximum Daily Loads (TMDLs) for these water bodies. Branciforte Creek is also included in the Implementation Plan for the San Lorenzo River Sediment TMDL. A TMDL for Pathogens (Fecal Indicator Bacteria) has also been adopted for the San Lorenzo River, San Lorenzo River Lagoon, Branciforte Creek, and Carbonera Creek. However, an implementation plan for this TMDL has not been finalized yet.

Other pollutants of concern that may be discharged into the storm drain system from a construction site or project include concrete truck washout, concrete and other masonry products, paint and chemicals, vegetation, and construction debris.

The target audiences are local contractors, builders, and residents. Contractors and builders are targeted because they conduct the actual construction activities. Residents are targeted because they both hire contractors to work on their homes and do their own home construction/remodeling projects. City staff is also targeted because various departments occasionally design municipal projects and, in many cases, hire contractors to do the construction work.

III. Program Elements and Best Management Practices

The City first determined which elements comprised the Construction Site Storm Water Runoff Control Program and then selected the most appropriate Best Management Practices (BMPs) in order to reduce the pollutants of concern to the maximum extent practicable. Also taken into consideration were the best means to communicate with the target audiences, what specific storm water pollution prevention information should be conveyed, and how to conduct enforcement actions when necessary. The Construction Site Storm Water Runoff Control Program includes the following elements:

- ❖ Legal Authority
 - Storm Water Ordinance
 - Grading Ordinance
 - Zoning Ordinance
 - Title 4 of the Municipal Code

- ❖ Best Management Practices
- ❖ Development Permits
 - Plan Review Process
 - Zoning Permits
 - Construction Permits
- ❖ Site Inspections
- ❖ Corrective Measures and Enforcement Procedures
- ❖ Procedures for Receipt and Consideration of Information Submitted by the Public
- ❖ Training and Education of City Staff
- ❖ Education and Outreach

The program elements are described in more detail in the sections below. The selected BMPs are listed and described under each program element.

Legal Authority

Storm Water Ordinance

On April 28, 1998, the City adopted a Storm Water Ordinance that became effective on May 28, 1998. The ordinance, entitled “Storm Water and Urban Runoff Pollution Control,” is Chapter 16.19 of the City’s Municipal Code. The ordinance established the legal authority to prohibit illicit connections and pollutant discharges to the City storm drain system. The ordinance also provides the City with the legal authority to conduct inspections and sampling. In addition, the ordinance contains a provision requiring the implementation of BMPs, as published by the Public Works Department, by certain types of facilities. For example, the ordinance contains specific language regarding BMPs for construction activity:

16.19.140 BEST MANAGEMENT PRACTICES FOR CONSTRUCTION ACTIVITY

Any construction project, including those undertaken under any permit or approval granted pursuant to Titles 15, 18, and 24 of this code, shall implement Best Management Practices (BMPs) including the City’s mandatory BMPs as detailed in the latest BMP Manual published by the City’s Public Works Department. BMPs shall be maintained in full force and effect during the duration of the project.

The City also has the authority to terminate illicit connections and discharges, and to initiate enforcement actions for violations of the code. Potential enforcement actions include written notices, citations, termination of discharge, and monetary penalties.

The City revised the Storm Water Ordinance in July 2003 in order to incorporate the new Phase II storm water regulations. The revisions also included an increase in monetary penalties to equivalent amounts specified in the Sewer Use Ordinance for violations of the Municipal Code. For example, civil penalties were increased from a maximum of \$1,000 per day to a maximum of \$2,500 per day for each violation. In addition, pertinent to construction activities, the City added language prohibiting the discharge of wash out from concrete trucks to the storm drain system. The Storm Water Ordinance is included in Attachment 2.

Grading Ordinance

The Grading Ordinance, officially titled “Chapter 18.45 Excavation and Grading Regulations, is a subset of Municipal Code, Title 18, Buildings and Construction. The ordinance provides technical regulations on grading and excavation in order to:

- Safeguard life, health, safety and the public welfare.
- Protect fish and wildlife, riparian corridors and habitats, water supplies, and private and public property.
- Protect the environment from the effects of flooding, accelerated erosion and/or deposition of silt.

The ordinance accomplishes this by providing guidelines, regulations, and minimum standards for the following:

- Clearing, excavation, cuts, fills, earth moving, grading operations (including cumulative grading), water runoff and sediment control.
- Administrative procedures for issuance of permits
- Approval of plans and inspections during construction and subsequent maintenance.
- Installation of erosion control measures and establishment of special requirements for winter grading.

Enforcement of the Grading Ordinance is authorized and conducted in accordance with the Grading Ordinance and Title 4 of the City’s Municipal Code, which is described later.

The City revised the Grading Ordinance in April 2004 in order to strengthen the ordinance regarding implementation of BMPs, including those for erosion and sediment control both prior to commencing construction activities and for the duration of the construction project. Modification of the Grading Ordinance included a requirement that all construction projects abide by the City’s mandatory BMPs. In addition, the City included a provision that erosion and sediment control BMPs be in place and implemented, as appropriate, prior to commencing construction activity including grading or vegetation removal.

The City also added the most important BMPs from the City’s mandatory BMPs for Construction Work to the “Excavation and Grading Regulations” section of the Grading Ordinance. In addition, the Grading Ordinance was modified to include a requirement that Post-Construction BMPs, in accordance with the City’s mandatory BMPs for Development and Remodeling Projects, be in place upon completion of a construction project.

The Grading Ordinance is included in Attachment 3.

Zoning Ordinance

The Zoning Ordinance, officially known as Title 24 of the Municipal Code, currently contains provisions to ensure that new developments or remodeled sites are designed and constructed in a manner that limits alteration of drainage patterns, prevents erosion, and minimizes long-term impacts on water quality. The provisions pertaining to erosion control are applicable to both

construction and post-construction storm water management. For example, the ordinance requires that site development be fitted to the topography and soil so as to create the least potential for erosion. Vegetation removal is limited to the amount necessary and according to the project's approved erosion control plans. Temporary vegetation, sufficient to stabilize the soil, is required to be established on all disturbed areas as needed and as each phase of grading is completed while the permanent vegetation is maturing. Measures such as jute netting, mulching, fertilizing, and irrigation is required to protect new plantings.

In addition, the ordinance requires that land be developed in increments of workable size that can be completed in a single construction season. Erosion and sediment control measures must be coordinated with a sequence of grading, development, and construction operations. Erosion control measures are required prior to the onset of the next inclement period.

Please refer to Attachment # 4 for a copy of the Zoning Ordinance.

Title 4 of the Municipal Code

Title 4 is entitled "General Municipal Code Enforcement." It is the chapter of the Municipal Code that was established in 2000 to provide a comprehensive code enforcement system for the City. In summary, Title 4 provides definitions, details, and specific procedures for a variety of code enforcement measures. For example, Title 4 provides for the issuance and recordation of Notices of Violation; the authority to inspect; the authority to issue a Notice to Appear and Release Citations, and the power to arrest. Title 4 also details the procedures regarding Judicial Remedies and Administrative Remedies available to the City for violations of the Municipal Code and applicable state codes. In addition, Title 4 details Summary Abatement and Administrative Abatement procedures for public nuisances and code violations. Lastly, Title 4 provides for the recovery of civil penalties and abatement costs. Please refer to Attachment 5 for a copy of Title 4.

Best Management Practices

BMP Brochure

In 2003, the City developed mandatory BMPs for construction work. In December 2003, a BMP brochure entitled "Best Management Practices for Construction Work" was published. All construction projects are required to abide by the BMPs. The BMP brochure was revised in March 2007 and then translated into Spanish. Copies of the brochure in English and Spanish are included in Attachment 9 and #10 respectively. A copy of the Construction Work BMP brochure is attached to every Building and Grading permit involving exterior work that is issued. Distribution of the brochure is described in the Education and Outreach section below.

BMP Handouts

In June 2003, two BMP handouts were developed and published for construction work on "Painting" and "Masonry and Concrete Work." These handouts, comprised of BMPs excerpted from the BMP brochure for construction work, were created so that the Environmental Compliance Inspectors could have a one-page summary of BMPs that could be handed out while in the field and an illegal discharge related to either of these activities was noticed or reported to them. These topics were chosen because they are two of the most common illegal discharges from construction work seen by the Environmental Compliance Inspectors. The handout for

painting work was republished July 18, 2003. Both handouts were republished in March 2007 when the Construction BMP brochure was updated. These one page handouts were also translated into Spanish. Copies of these handouts BMP brochure in English and Spanish are included in Attachments 11-14.

Permit Conditions for Department of Public Works Over-the-Counter Street Opening and Concrete Permits

Public Works issues “over-the-counter” concrete and street opening permits to State licensed contractors for construction work in the public right-of-way, such as the sidewalk or street. Examples of this type of construction work include: creation of a new sidewalk, sidewalk repairs, and opening a street to install or repair a private sewer lateral.

In June 2003, permit conditions consisting of the most important and applicable storm water BMPs for construction work were incorporated into permit conditions for all over-the-counter street opening and concrete permits. The BMPs are attached to each Street Opening or Concrete Permit that is issued and given to the contractor.

Development Permits

The City Planning Department issues two types of permits, Discretionary (Zoning) permits and Ministerial (Construction) permits, for construction activities. Zoning and Construction permits are described in more detail below.

Plan Review and Permit Application Process

The plan review and permit process provides the City with the opportunity to review a construction project during its planning stage for many issues including the proper erosion control and grading methods. Once an application is received, the Planning Department distributes copies of project plans to other departments, such as Public Works and Water, for review and comment. For discretionary projects, typically there is a pre-application meeting with Planning/Building staff. At this time, the applicant is informed that they must also contact the Department of Public Works regarding storm water BMP requirements.

Discretionary projects undergo extensive review and public scrutiny. Plan checks and review are also conducted for any ministerial permits issued for new construction or exterior modifications to an existing building. Certain minor ministerial permits may be issued over-the-counter for plumbing, mechanical, electrical, and roofing work.

The plan review process was revised in 2004 to ensure that it was consistent with the Phase II requirements including the State’s General Permit for Construction Activity. The following highlights the plan review process and pertinent issues:

1. A project will be reviewed and determined to be exempt or not exempt from construction permit requirements
2. If the project is not exempt, the project size will be determined to be less than or greater than 1 acre.
3. Projects less than 1 acre will be subject only to the City permit process.

4. Projects greater than or equal to 1 acre (or are part of a larger common plan of development or sale that would disturb one acre or more) will be subject to the City permit process and notified that they are subject to the state's General Permit for Storm Water Discharges from Construction Activity requirements. These sites will be required, as a condition of the Zoning Permit, to provide the City with proof of coverage under the Construction General Permit including a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the State Water Quality Control Board (SWQCB) that acknowledges the property owner's submittal of a complete Notice of Intent (NOI) package.
5. Projects greater than or equal to 1 acre (or are part of a larger common plan of development or sale that would disturb one acre or more) and located in the San Lorenzo River watershed, will be notified that they are subject to the Construction General Permit requirement to prepare a Storm Water Pollution Prevention Plan (SWPPP).
6. Project applicants, such as contractors, architects, and property owners, will be informed that the City's mandatory BMPs, as published by the City's Public Works Department and/or Planning Department, shall be maintained in full force and effect for the duration of the project. In addition, the City will inform the applicant that erosion and sediment control BMPs shall be in place and implemented, as appropriate and whenever possible, prior to commencing construction activity including grading or vegetation removal.

Zoning Permits:

Zoning permits typically cover the pre-construction phases of a project. The application process generally triggers the conditions that the City places on a project. For example, a project may be required to conduct an Environmental Initial Study. The City may also require the implementation of erosion control practices. In addition, a zoning report can be required, which can also be conditioned with mandatory BMPs and site-specific measures.

A zoning permit may be conditioned to require the applicant to obtain additional permits. These permits include, but are not limited to, Administrative Use Permits, Coastal Permits, and Design Permits. Depending on the project, applications for a Zoning Permit may also require a public hearing and approval by the Zoning Commission and City Council. Zoning permits are described in greater detail in the Post Construction Storm Water Management Program chapter.

In 2004, the City modified the zoning permit boiler plate conditions to include a condition that requires the applicant of a construction site equal to or greater than one acre, or less than one acre but part of a larger common plan of development or sale, to provide the City with proof of coverage under the state's Construction Activities Storm Water General Permit. Proof of coverage shall include a copy of the letter of receipt and Waste Discharger Identification (WDID) number issued by the State Water Quality Control Board (SWQCB) that acknowledges the property owner's submittal of a complete Notice of Intent (NOI) package.

Lastly, if a project is required to obtain a Zoning permit, the conditions of the Zoning permit must be met prior to obtaining a Construction permit.

Construction Permits

Construction Permits typically permit the activities conducted during the actual construction phase of a project. For example, Construction Permits are issued for grading, building, plumbing, electrical, and demolition work. The Planning Department may require drainage and erosion control plans depending upon the type of project. For example, an erosion control plan is required for all projects located within, or adjacent to, specific erosion hazard areas. An erosion control plan is also required for certain projects including:

- 1) those on slopes in excess of ten percent for all major development proposals;
- 2) developments where grading is in excess of 50 cubic yards, 2 feet of fill or 1 foot of cut; and
- 3) a development adjacent to streams and wetland areas.

For those projects requiring a Grading Permit and involving greater than 50 cubic yards of combined grading (i.e. import or export of dirt, or land disturbance), the permit application must include an erosion control plan/BMPs prepared by a licensed engineer. This erosion control plan becomes part of the project permit set. A Grading Permit will not be issued until receipt of this item, in completion, is received. The BMPs and erosion control measures per plan must be in place and maintained during the rainy season and throughout the course of the project. The Maintenance Agreement, per the City's Development and Remodeling Projects BMPS, must also be executed and submitted prior to Grading Permit issuance. Minor projects of less than 50 cubic yards of grading do not require an engineered prepared erosion control plan but do require the installation of erosion control measures as necessary.

The City may also place conditions on any of these types of permits for any stage of the work. The Planning Department typically conditions construction permits, particularly Grading Permits, with requirements to minimize soil disturbance and protect water quality. In addition, the Public Works Department, who also reviews construction project plans, may place conditions on the permit.

Site Inspections

Site inspections are conducted throughout the phases of a construction project including an inspection during the grading activity, if any, and a final inspection once the work is completed. As mentioned above, construction permits are issued for grading, building, plumbing, electrical, and demolition work. Each permitted project receives at least 1 inspection by the Planning Department's Building Inspectors. During site inspections, each project is evaluated for compliance on a "case by case" basis. More specific details regarding site inspections for projects requiring a Grading Permit are included below since oversight of these types of projects and compliance with storm water BMPs is extremely important to protecting water quality.

Construction Sites Requiring a Grading Permit

For construction sites requiring a Grading Permit, Building Inspectors must sign off on each stage of the grading permit upon satisfactory completion of the work. There are variations of when the aspects of a project, including grading work, are signed off. Extensive grading work also usually has a series of reports from the project's design engineer. Building Inspectors work from an approved plan set when conducting an inspection to ensure that all the requirements for

project have been met. Most all engineered grading requires observation by the soils engineer and an acceptance letter by him/her.

For small projects, which are generally are less than one half acre, the Building Inspectors conduct two inspections during the grading process. This includes a pre-site inspection and a final grading inspection. For large projects, which are generally are greater than one half acre, sites are inspected three times during the grading process. These inspections include a pre-site inspection, a rough grade inspection, and a final grading inspection. For very large sites, Building Inspectors may even conduct multiple inspections per section as needed. In addition, for large sites, Building Inspectors typically have pre-grading and pre-construction meetings with the contractor to ensure the project's compliance with the City's BMPs and other requirements.

The Building Division also actively works to ensure that "open" construction sites have their wet weather BMPs in place prior to and during the rainy season. Staff mails a notification letter to the owners and contractors of projects under construction advising them that implementation and maintenance of BMPs is mandatory. In addition, Building Inspectors conduct inspections at open sites after major rain events or storms, with the goal of inspecting at least 50% of the open sites after each major rain event (approximately 1inch of rain/day). Lastly, for the high priority construction projects, inspections will be also be conducted prior to well-forecasted rain events in order to ensure that adequate BMPs are in place in advance of the rain.

Depending on the project, Public Works Engineering Inspectors may also inspect a site or a portion of the work such as storm water treatment systems and paved areas. For example, Public Works Engineering staff will inspect the installation of post-construction treatment systems and storm water retention devices at development sites greater than or equal to one acre. In certain cases, Public Works Environmental Compliance may also inspect work such as a mat wash area installation at a restaurant or a treatment system installation at an industry. For City projects, Water Department staff may also conduct an inspection of the site.

BMP #CON-1: Planning/Building Inspectors Inspect All Construction Sites Requiring a Grading Permit. Inspections Will Also Be Conducted Prior to Well-Forecasted Rain Events at High Priority Construction Projects. Inspectors Will Also Inspect 50% or More of the Open Sites After Major Rain Events or Storms.

BMP #CON-2: PW Staff Will Inspect Installation of Post-construction Treatment Systems and Storm Water Retention Devices at Development Sites Greater Than or Equal to One Acre

Construction Site and Inspection Tracking System

The City maintains an electronic construction site tracking system. This system can simultaneously track plan review and field inspections.

Corrective Measures and Enforcement Procedures

The City takes enforcement actions in cases where a contractor or a person conducts activities in violation of the Municipal Code or permit conditions placed upon a particular project. Usually, the Building Inspectors are the first to notice any violations since they conduct routine

inspections of construction work. However, the City also occasionally receives complaints or tips from the general public that trigger a site inspection. Complaints or tips from the public are typically reported to and responded to by the Planning Department/Building or the Public Works Environmental Compliance office.

Corrective Measures and Enforcement Procedures in Accordance with the Grading Ordinance

The City's Grading Ordinance provides a regulatory mechanism that addresses violations of related to construction activity. The following is an excerpt from the Grading Ordinance regarding violations:

18.45.150 Violations

- (1) **Work Stoppage.** Whenever the Building Official determines that the work does not comply with the terms of the permit or of this chapter, he or she may order the immediate cessation of all work thereunder until such corrective measures have been completed.
- (2) **Right of Entry.** Whenever the Building Official has reasonable and/or probable cause to believe that there exists accelerated erosion, and/or a violation of this chapter, he/she may enter such site at all reasonable times to inspect the same, to perform any duty imposed upon him/her by this chapter; providing that, if such premises are occupied, he/she shall first present proper credentials and request entry, and if the premises are found to be unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of said premises and request entry. If such entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.
- (3) **Notification of Violation.** Any person found to be in violation of the provisions of this chapter shall be required to correct the problem upon written notification from the building official. Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following: Use of specific erosion-control techniques; Submittal of plans and specifications to be approved by the community development department, and any other department affected by such work, prior to the commencement of corrective work; and Completion of corrective work within a specified time period.
- (4) **Abatement of Violation.** If the responsible party fails to act in response to written notification of the Building Official, the violation may be declared a public nuisance and be abated as required to restore the site to its original condition. Where there is an emergency condition of erosion or sediment damaging a waterway, marsh, or other body of water, or significant habitat or archeological site, the Building Official may have the necessary corrective work done and bill the property owner or lien the property for repayment.
- (5) **Penalties.**
 - a) Any person, whether as principal, agent, employee or otherwise, violating, or causing or permitting the violation of any of the provisions of this chapter shall be deemed guilty as follows:

- i. Violations of the requirement for regular grading permits shall be infractions, punishable as set forth in the Santa Cruz County Uniform Bail Schedule;
 - ii. Violations of the requirement for engineering grading permits shall be misdemeanors, punishable as set forth in the Santa Cruz County Uniform Bail Schedule;
 - iii. Any person, firm or corporation who shall place upon a slope greater than thirty percent or within one hundred fifty feet of the high-water mark of a riparian corridor any fill, debris, spoils or other deleterious material exceeding fifty cubic yards, without an approved grading permit shall be guilty of a misdemeanor, punishable as set forth in the Santa Cruz County Uniform Bail Schedule.
 - iv. Each separate day or portion thereof during which any violation occurs or continues without a good-faith effort by the responsible person to correct the violation shall be deemed to constitute a separate offense.
- b) In addition to the above-noted penalties, the building official is hereby authorized to attach an investigation fee, equal to twice the grading permit fee, to any such permit issued for corrective action.
 - c) Enforcement. The building official and/or his/her designated subordinate(s) is hereby authorized and directed to enforce all the provisions of this chapter. For such purpose, the Building Official shall have the powers of a law enforcement officer.
 - d) Appeals. Any person who believes the chief Building Official has erred in the technical application of this chapter may appeal such action to the board of building appeals as provided in Chapter 18.41 of the Municipal Code.

Typically, the City engages in enforcement actions that correspond to the severity of the violation and the timeliness of corrective measures. In general, the first step of any enforcement action is the issuance of a Correction Notice. These are usually issued by the Building Inspectors to the violator. If the problem is not corrected in a timely manner, the second step is the issuance of a Municipal Citation. Municipal citations are handled locally, however, the City has the ability to take further legal actions if compliance is not met. Citations are issued either by the Code Enforcement Division of the Planning Department or the City Attorney. The citation process is further detailed in Title 4 of the City's Municipal Code.

BMP #CON-3: Implement Corrective Measures and Enforcement Procedures in Accordance with the Grading Ordinance As Needed

Corrective Measures and Enforcement Procedures in Accordance with Title 4

Title 4 of the City's Municipal Code, as previously mentioned, is the chapter of the Municipal Code that provides a comprehensive code enforcement system for the City. For example, Title 4 provides for the issuance and recordation of Notices of Violation; the authority to inspect; the

authority to issue a Notice to Appear and Release Citations, and the power to arrest. Title 4 also details the procedures regarding Judicial Remedies and Administrative Remedies available to the City for violations of the Municipal Code and applicable state codes. In addition, Title 4 details Summary Abatement and Administrative Abatement procedures for public nuisances and code violations. Lastly, Title 4 provides for the recovery of civil penalties and abatement costs. Please refer to Attachment 5 for a copy of complete Title 4.

BMP #CON-4: Implement Corrective Measures and Enforcement Procedures in Accordance with Title 4 As Needed

Corrective Measures and Enforcement Procedures in Accordance with the Storm Water Ordinance

The Environmental Compliance Inspectors also inspect construction sites or projects in response to a citizen complaint regarding discharges to the storm drain system. Public Works Engineering staff also inspect construction work, specifically those related to projects on city property including facilities, sidewalks, alleyways, and roads. In general, construction site inspections and any resulting enforcement actions by the Environmental Compliance or Engineering divisions are in response to violations of the Storm Water Ordinance. Enforcement actions typically include an initial verbal warning and, if applicable, a directive to remove any materials or debris that has been discharged to the storm drain. The inspection or site visit is usually followed up with a written warning letter. Additional enforcement actions or the degree to which enforcement actions are escalated usually depends upon the severity of the violation and, as mentioned above, the timelines of correction.

Potential enforcement actions include written notices, citations, termination of discharge, and monetary penalties. These potential enforcement action are briefly summarized below and may be found in greater detail in the Storm Water Ordinance, Attachment 2, under “Administrative Remedies (Section 16.19.190)” and “Judicial Remedies-Civil/Criminal (Section 16.19. 200).”

- **Warning:** A warning may consist of a verbal notice or a written informational letter to the facility owner or manager.
- **Administrative Action-Notification of Violation and Citation:** A Notification of Violation is a written notice to the facility owner or manager stating that the site has violated the City Municipal Code and that the discharge must cease. In general, violation letters state a date by which time the noncompliance must be corrected and may include a statement warning of additional enforcement actions, including fines, if the problem is not corrected.
- **Administrative Action-Show Cause Hearing:** Administrative actions generally include a structured process to ensure that remedial actions are taken to terminate an illicit connection or discharge, and to prevent its reoccurrence. An administrative action specifies a time frame to correct the identified problem based on the severity or complexity of the problem. If a violation is not corrected by timely compliance, the City may issue a citation for fines, up to \$2,500 per day.

- **Administrative Action-Emergency Termination:** The City may take steps to prevent or terminate an illegal discharge if the discharge presents an imminent threat of substantial endangerment to the health or welfare of persons or to the environment.
- **Summary Abatement of Certain Nuisances:** Abatement of a nuisance, which is a menace to public health and safety, with all costs are charged to the responsible party.
- **Judicial Remedies-Civil/Criminal:** In such an action, the City may seek all appropriate judicial relief including, but not limited to, injunctive relief and damages in the minimum of two thousand five hundred dollars per violation per day. In the case of criminal liability, the City may seek criminal penalties and incarceration in the maximum amount prescribed by the California Penal Code for infractions and misdemeanors.

BMP #CON-5: Respond to Complaints and Implement Corrective Measures and Enforcement Procedures in Accordance with the Storm Water Ordinance As Needed

Violations of the State General Permit for Construction Activity

Violations of the requirements of the General Permit for Storm Water Discharges from Construction Activity will be reported to the RWQCB immediately.

BMP #CON-6: Report Violations of the Construction General Permit to the RWQCB

Procedures for Receipt and Consideration of Inquiries, Concerns, and Information Submitted by the Public

The City has a variety of mechanisms by which the public may submit inquiries, concerns, and information regarding local construction activities. These mechanisms are listed below and are applicable to both the Planning and Public Works Departments:

- On demand public records request may be made over the counter, by telephone, or in writing.
- Concerns, complaints, and reporting of illegal discharges or other illegal activities at construction sites may be made over the counter, by telephone, or by letter.

City materials, such as the Best Management Practices for Construction Work provide telephone numbers (for the Planning and Public Works Departments) for the public to call for questions, information, or to report an illegal discharge. The City’s website also provides telephone numbers for City staff.

Inquiries, concerns, and information regarding local construction activities may also be directed to any City department or entity, such as the City Manager, who will route the information to the appropriate staff.

Planning Department Building Inspectors, the Planning Department Code Compliance staff, Public Works Department Engineering, Public Works Department Environmental Compliance Inspectors, and the Fire Department may respond to complaints and reports of illegal discharges

from construction sites. Which City staff responds depends somewhat upon the situation and which department receives the information. Other factors might include previous experience with a site, if the site is located on City property, and the severity of the discharge.

Information regarding local construction activity is provided by the Planning Department to several outside entities on a regular basis. For example, the City provides data to the Housing/Census Bureau and the Construction Industry Research Board. Information is also provided to the Regional Builders Exchange and the Santa Cruz County Builders Exchange.

Training and Education of City Staff

Training and education of City staff are an important component of this program. Both the Planning/Building and Public Works Departments will ensure that the appropriate personnel (e.g. Building Inspectors, Public Works Engineers, and Public Works Environmental Compliance Inspectors) are trained and familiar with the City's BMPs for construction activities, and RWQCB and SWRCB requirements.

The City has and will continue to provide training classes for employees on construction related issues, such as erosion control, and implementation of BMPs. Since 2002, the City has provided construction related classes to staff from the various City departments including Parks and Recreation, Planning, Public Works, and Water. For example, between 2002 and 2004, in preparation of the General Permit, on-site classes were offered at least annually on topics including: sediment control; post-construction SWMP Program and Design Requirements; field methods to prevent polluted runoff during City maintenance operations; and construction BMPs. Most of these classes were sponsored by the Monterey Bay National Marine Sanctuary through grant funding.

In addition, the City encourages staff to attend off-site classes and workshops, offered by other agencies and organizations, on related pollution prevention issues and practices. City staff has attended off-site classes and workshops on construction, post-construction, and other related issues including Low Impact Development.

The City will provide training to all Planning/Building Inspectors, Public Works Inspectors, and Planning and Public Works Plan Reviewers on construction site BMP requirements and related issues every two years. New Inspectors and Plan Reviewers will be trained within 3 months of the beginning of employment. Additional training on new or changed BMPS will take place as needed. For example, the City anticipates a potential need for additional training in the future on construction or installation of LID design measures.

BMP # CON-7: Provide Training to Planning/Building Inspectors, Public Works Inspectors, and Planning and Public Works Plan Reviewers on Construction Site BMP Requirements

Education and Outreach

The City will conduct education and outreach to the construction community, including contractors and architects, on the new construction site requirements and BMPs. Materials will

also be provided to homeowners and the general public regarding the new requirements and the permit process so that they will be more informed when planning projects or filing for permits.

Construction Work BMP Brochure

Beginning in December 2003, copies of the BMP brochure were available at the public counters of both the Planning and Public Works Departments. A copy of the BMP brochure was posted on the City's website in December 2003. A copy of the Construction Work BMP brochure is attached to every Building and Grading permit that is issued.

Once the City's SWMP is approved, either a workshop will be held or a mass mailing conducted to inform local contractors, architects, and the general public about the new requirements and Best Management Practices.

BMP # CON-8: Distribute Construction BMP Brochure

Construction BMP Handouts

As previously mentioned, two BMP handouts were developed and published for construction work specifically for "Painting" and "Masonry and Concrete Work." Since 2003, these one-page flyers have been distributed by the Environmental Compliance Inspectors in the field when an illegal discharge (related to either of these activities) is noticed by them or a complaint has been reported to them. The Inspectors keep track of such instances in an Incident Report file. The City will continue to give these flyers out and track the number of such instances. The flyers have also been posted on the City's web site since 2003.

BMP #CON-9: Distribute Construction BMP Handouts by Environmental Compliance Inspectors As Needed

Department of Public Works Over-the-Counter Street Opening and Concrete Permits

As previously mentioned, in June 2003, the Public Works Department began attaching permit conditions consisting of the most important and applicable BMPs to over-the-counter street opening and concrete permits. These permits are issued for construction work such as: creation of a new sidewalk, sidewalk repairs, and opening a street to install or repair a private sewer lateral. The Public Works computer program for permit issuance was modified so that the BMPs automatically print out along with a copy of the Street Opening or Concrete Permit to ensure that the BMPs are never omitted when a permit is issued to a contractor.

BMP #CON-10: Attach BMP Permit Conditions for Public Works Over-the-Counter Street Opening and Concrete Permits

IV. Program Implementation

City Personnel

The Planning and Public Works Departments will be primarily responsible for implementation of the Construction Site Storm Water Runoff Control Program. The primary personnel needed to implement this program include Planning Department Planners and Building Inspectors. Public Works staff, who evaluate permit applications and apply permit conditions, will be informed of the new construction site regulations and City BMPs. Table 5-1 below itemizes each BMP and the responsible department.

Implementation Timetable and Measurable Goals

The City has established a timetable for implementation of the Construction Site Storm Water Runoff Control Program. Measurable goals will be used to assess the City's efforts to reduce urban runoff pollution and to evaluate the success of the program. A list of the BMPS, measurable goals, and the implementation schedule are detailed in Table 5-1 below

Table 5-1
BMPs, Measurable Goals, and Implementation Schedule

BMP #	BMPs	Measurable Goals	Responsible Dept. or Division	Completion Date And/or Implementation Schedule
	Site Inspections			
CON-1	Planning/Building Inspectors Will Inspect All Construction Sites Requiring a Grading Permit. Inspections Will Also Be Conducted Prior to Well-Forecasted Rain Events at High Priority Construction Projects. Inspectors Will Also Inspect 50% or More of the Open Sites After Major Rain Events or Storms.	<ol style="list-style-type: none"> 1. During the grading process, 100% of small sites will be inspected 2 times and 100% of large sites will be inspected 3 times 2. Inspect 100% of high priority sites prior to forecasted rain events 3. After major rain events, 50% or more of “open” sites will be inspected 	Planning: Building	Year 1-5
CON-2	PW Staff Will Inspect Installation of Post-construction Treatment Systems and Storm Water Retention Devices at Development Sites Greater Than or Equal to One Acre	Inspect systems and devices at 100% of development sites greater than or equal to one acre	Public Works: Engineering	Year 1-5

BMP #	BMPs	Measurable Goals	Responsible Dept. or Division	Completion Date And/or Implementation Schedule
	Corrective Measures and Enforcement Procedures			
CON-3	Implement Corrective Measures and Enforcement Procedures in Accordance with the Grading Ordinance As Needed	1. Respond to 100% of complaints 2. Implement corrective actions, as appropriate, for 100% of sites where a violation is detected	Planning: Building Planning: Current Planning	Year 1-5
CON-4	Implement Corrective Measures and Enforcement Procedures in Accordance with Title 4 As needed	Implement corrective actions, as appropriate, for 100% of sites where a violation is detected and referred to Code Enforcement for follow-up	Planning: Building Planning: Current Planning	Year 1-5
CON-5	Respond to Complaints and Implement Corrective Measures and Enforcement Procedures in Accordance with the Storm Water Ordinance As Needed	1. Respond to 100% of complaints 2. Implement corrective actions, as appropriate, for 100% of sites where a violation is detected	Public Works: Environmental Compliance Public Works: Engineering	Year 1-5
CON-6	Report Violations of the Construction General Permit to the RWQCB	Report 100% of violations	Planning: Building Public Works: Engineering	Year 1-5
	Training and Education of City		Planning Public Works	

BMP #	BMPs	Measurable Goals	Responsible Dept. or Division	Completion Date And/or Implementation Schedule
	Staff			
CON-7	Provide Training to Planning/Building Inspectors, Public Works Inspectors, and Planning and Public Works Plan Reviewers on Construction Site BMP Requirements	<ol style="list-style-type: none"> 1. Train 100% of Planning/Building Inspectors, Public Works Inspectors, and Planning and Public Works Plan Reviewers every two years. 2. Train new Inspectors and Plan Reviewers within 3 months of the beginning of employment. 3. Additional training on new or changed BMPS as needed 	Planning: Planning and Building Public Works: Engineering	Year 1-5
	Education and Outreach			
CON-8	Distribute Construction BMP Brochure	<ol style="list-style-type: none"> 1. Available At the Planning Department counter 2. Distribute to 100% of project applicants for Grading and Building Permits 	Planning Public Works: Engineering Public Works: Environmental Compliance	Year 1-5
CON-9	Distribute Construction BMP Handouts By Environmental Compliance Inspectors As Needed	Give BMP handouts to 100% of problems detected either while out in the field or during complaint response	Public Works: Environmental Compliance	Year 1-5
CON-10	Attach BMP Permit Conditions for Public Works Over-the-Counter Street Opening and Concrete Permits	100% Street Opening and Concrete Permits	Public Works: Engineering	Year 1-5

Table 1: Responsible Department or Division Contact Information

Planning Department: Building

Chief Building Official, (831) 420-5127

Planning Department: Current Planning

Principal Planner, (831) 420-5100

Public Works Department: Engineering

Associate Civil Engineer, (831) 420-5428

Public Works Department: Environmental Compliance Office, Wastewater/Pretreatment Division

Laboratory/Environmental Compliance Manager, (831) 420-6045

V. Program Documentation and Reporting

The City will maintain records to document program implementation and annual progress. The City will report the results of the program in the annual SWMP report to the Regional Water Quality Control Board. The report will include information and a summary of the progress made relative to the measurable goals.