

County of Yuba
Memorandum

DEPARTMENT OF PUBLIC WORKS

915 8th Street, Suite 125
Marysville, CA 95901

Telephone No.: (530) 749-5420
Fax No.: (530) 749-5424

Date: October 28, 2003

To: Public Works & Community Development Staff
cc: Kent McClain, CAO

From: Kevin Mallen, Director of Public Works

Subject: Stormwater Regulations for Construction Activities

The County is being required to implement additional stormwater regulations for construction activities as a result of the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Regulations. The Phase II NPDES regulations cover all private and public construction activities disturbing one acre or more within the United States and went into affect on March 10, 2003. Each State is required to adopt a program to conform with the Phase II NPDES regulations. In California, the State has in turn required that each County and City obtain a permit from the State and prepare a county or city storm water management plan. The County's stormwater management plan was submitted to the State for approval in March of this year.

The result of the regulations is a requirement for each project (public and private) disturbing one acre or more or part of a larger project that will disturb one acre or more to prepare a Stormwater Pollution Prevention Plan (SWPPP), and obtain a permit from the State Regional Water Quality Control Board (RWQCB). In addition, the County is responsible to ensure that all projects within the County disturbing one acre or more obtain the permit from the RWQCB and conform to the SWPPP prepared for each project. The County's failure to ensure that the RWQCB permits are being obtained and that the SWPPP are being implemented can result in a fine from the RWQCB.

The Public Works Department began to implement the new stormwater regulations this year through the Improvement Plan and Grading Permit process. Since the Phase II NPDES requirements are new this year, we have been working to refine our process to obtain a balance that will meet the regulations and be reasonable to implement. Attached is the first draft of the policy and procedures that will be implemented to help us standardize our stormwater regulations for construction activities. The policy and procedures will be handed to each applicant requesting a permit to perform construction activities that disturb one acre or more and will be updated as needed.

Yuba County

Administrative Policy and Procedures for NPDES Stormwater Regulations for Construction Activities

PURPOSE:

This document is intended to:

- 1) Present a standardized approach to administrating NPDES construction activity compliance in Yuba County.
- 2) Promote consistency in enforcement among various County Departments and,
- 3) Provide the development community clear instruction for NPDES construction activity compliance submittal requirements and implementation of Storm Water Pollution Prevention Plans, (SWPPP's).

OVERVIEW:

This document contains the basic steps for proper submittal procedures for SWPPP's. It contains the methodology, format, layout and timing of submittals. It explains the preferred procedure for compliance, termination and processing of documents.

COMMENTS & SUGGESTIONS:

These are draft policies and procedures. The County is requesting public input regarding the contents of this document through written comments. Please send any written comments regarding the contents of this document to:

County of Yuba
Department of Public Works
Att: Kathy Gregg
915 8th Street, Suite 125
Marysville, CA 95901

INTRODUCTION:

March 10, 2003 marked the deadline for implementation of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water regulations. Yuba County is part of that Phase II program. The Phase II regulations require the County to develop, implement and enforce a program to reduce pollutants in stormwater runoff from construction activities resulting in a land disturbance of greater than or equal to one acre, or from sites smaller than one acre if the construction activity is part of a larger plan of development or sale that disturbs one acre or more. Further, the State's General Permit for Stormwater Discharges Associated with

Construction Activity (WQD 99-080-DWQ) requires the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for sites with soil disturbances meeting the criteria listed above.

The scope of this document contains the County's proposed construction activity guidelines and instructions for compliance with the Phase II regulations.

PROCEDURE:

The following procedures apply to construction sites that disturb one acre or more of land or are part of a larger project that disturbs one acre or more.

- 1) Developer/Contractor/Consultant/Project Engineer/Permittee referred to as Applicant from this point forward, shall submit a Notice of Intent (NOI) to the State Water Resources Control Board (SWRCB) in compliance with the NPDES General Storm Water Construction Permit before construction commences. Further details can be obtained from the appropriate Regional Water Quality Control Board (RWQCB) or the SWRCB.
- 2) The Applicant shall prepare SWPPP documents, as defined by either the RWQCB or SWRCB, which describe and identify the use of stormwater Best Management Practices (BMP's) tailored to the circumstances of a particular site or project. The SWPPP has two main objectives: identify pollutant sources and describe practices to reduce sediment and pollutants in stormwater discharges. Specific requirements can be obtained from the RWQCB, and at the following website; <http://www.cabmphandbooks.com>.
- 3) The Applicant shall submit a complete SWPPP in a three ring binder to the County's Public Works Department concurrent with the improvement Plan and/or Grading Permit review and approval process. Submittal of the SWPPP shall be a condition of the improvement Plan, Grading Permit and/or Encroachment Permit approval. In addition to the three ring binder set, one stapled or bound set is also required.
- 4) Public Works will review for completeness and general conformance to the following key components:
 - Vicinity Map showing nearby roadways, the construction site perimeter, and geographic features and general topography surrounding the site.
 - A site map showing the construction project in detail, including the existing and planned paved areas and buildings; general topography both before and after construction; drainage pattern across the project area; and anticipated stormwater discharge location (i.e. the receiving water, a conduit to receiving water, and/or drain inlets);
 - A detailed, site-specific listing of the potential sources of stormwater pollution;
 - A description of the type and location of erosion control and sediment control BMP's to be employed at the site;
 - The name and telephone number of the qualified person responsible for implementing the SWPPP;
 - Certification/signature by the developer/landowner of an authorized representative; and
 - A Notice of Intent (NOI) approved and signed by the RWQCB, including an assigned Waste Discharge Identification (WDID) number.

- 5) Public Works will return the approved three ring binder containing the reviewed SWPPP. The approved SWPPP must be kept on-site for the duration of the construction phase of the project.
- 6) The Applicant is required to perform the following compliance procedures:
 - Keep the project Stormwater Pollution Prevention Plan (SWPPP) up to date and at the job site.
 - Inspect all Best Management Practices (BMP's) before, during and after rain events. Keep written comments on failures and corrections.
 - Keep the SWPPP map current with BMP updates.
 - Properly install and maintain BMP's.
 - Practice good housekeeping.
 - Minimize tracking from construction entrances and exits.
 - Sweep streets and obtain clearance from Public Works before washing them.
 - Contain wash water from power washing operations and discharge it to porous areas.
 - Maintain drain inlet protection bags and ensure that the area around storm drains is kept clean.
 - Implement effective erosion and sediment control measures on the construction site well before the first rain event.
- 7) Pending the type of development, various County Inspectors will routinely conduct stormwater inspections during the construction process.
- 8) Applicant is responsible to conduct construction site inspections prior to anticipated storms, after actual storms, and every 24 hours during extended storms, as well as other times, to find areas contributing to stormwater discharge and to determine if the requirements of the site SWPPP are adequate and properly implemented. Applicant is responsible for maintaining stormwater inspection forms for activity compliance with the general permit and the site SWPPP. The minimum site inspection frequency the Applicant is responsible to perform is identified later in this document. County Inspectors will periodically review the SWPPP for compliance, including reviewing inspection reports, reviewing BMP adequacy, as well as dry and wet season visual checks.
- 9) Each Applicant must submit an annual certification of Compliance every July 1st to the RQWCB.
- 10) The Applicant is responsible for correcting BMP deficiencies immediately. When appropriate, a written or verbal notice of non-compliance from a County Inspector will be given to the Applicant. Continued non-compliance at a site will provide justification to the County for Stop Work Notices and/or Notice of Violation from the RQWCB for non-compliant sites.
- 11) Upon completion of the construction phase, the Applicant shall cancel the specific coverage under the general permit by submitting a Notice of Termination to the appropriate RWQCB that certifies that:
 - Construction activity is completed.
 - All parts of the SWPPP have been completed.
 - Construction and equipment maintenance waste has been properly disposed of.

- The site complies with all local storm water management requirements.

12) The Applicant is responsible for maintaining SWPPP records for three years after Notice of termination.

The aforementioned procedures are not meant to be an exhaustive list of all the requirements of Construction Activity General Permit compliance. More specific information can be obtained from the NOI application material available from the RWQCB.

MAINTENANCE:

The Public Works Department will maintain permanent records of all active SWPPP's.

A monthly report describing the total number of SWPPP's, number of new SWPPP's for that month, all signed-off (Notice of Violations) and any violations will be compiled. This information will be provided annually to the RWQCB at their request and/or as part of the County's Phase II Program Annual Report.

PROJECTS UNDER ONE ACRE:

SWPPP's are not required for projects under one acre unless they are part of a larger project over one acre. An erosion and sediment control plan shall be submitted with the improvement plan to the County for approval when a Grading Permit is being required on sites less than one acre. The Public Works Department will approve the erosion and sediment control plan upon review of the project. All erosion and sediment control devices shall be identified and implemented in the same fashion as projects with SWPPP's over one acre. Enforcement will be conducted similarly, with exception to SWPPP administrative requirements.

CAPITAL IMPROVEMENT PROJECTS, (CIP's):

SWPPP's are required for CIP's over one acre as defined above. SWPPP requirements and all enforcement proceedings shall be applied unilaterally across the board for both private and public projects.

PROJECT INSPECTION PRIORITY:

Each year, the County submits a report to the RWQCB describing the County's stormwater management program's effectiveness in accordance with the State's General Permit for Small Municipal Separate Storm Sewer Systems (MS4). In part, the report encompasses goal expectations for the construction element of the permit. As such, the County's requirement to prioritize construction projects and quantify the number of stormwater inspections per risk category are tabulated and presented to the RWQCB.

The County's proposed process for establishing and determining priority status of construction projects is broken down and characterized by three levels of complexity based upon the likelihood, or probability, of harm to the adjacent protected resource. The most restrictive site characteristic shall be used to assign the category priority for each site. These levels include; high, moderate and low risk projects. A project must only meet one of the criteria listed in a risk category to be classified at that risk level. The highest criteria met, sets the priority level. The criteria below will be used by the County to determine the inspection frequency required by the Applicant:

HIGH PRIORITY - (Inspection required weekly)

Adjacent to or within 1/4 mile upstream of a natural waterway, floodplain, or wetland area.
The site has more than 20 acres being disturbed.
The site cross grade is more than 15%.
Experimental BMP's are proposed.
The on-site soil R-value is less than or equal to 8.
The SWPPP is out of conformance or has been for a one month period.
The project has been levied a corrective and/or violation notice within a two month period.

MODERATE PRIORITY - (Inspection required monthly)

Soil with medium erosion hazard when worked and exposed to rain.
The site is upstream of a stormwater path that does not flow directly into an environmental sensitive area.
The site has more than 5 acres and less than 20 acres disturbed.
The cross grade is between 10% and 15%.
If needed, additional BMP's can be implemented as corrective measures.
The on-site soil R-value is between 9 and 20.

LOW PRIORITY - (Inspection required monthly)

Winter grading is not proposed.
Soil with low erosion hazard when worked and exposed to rain.
No critical areas or buffers located down slope or within 1/4 mile down stream of discharge point of stormwater.
The site size is between 1 and 5 acres of disturbed land.
If needed, additional BMP's can be implemented as corrective measures.
The on-site soil R-value is greater than 20.