



SECTION 9

CO-PERMITTEE PERFORMANCE REVIEWS

9. CO-PERMITTEE PERFORMANCE REVIEWS

BACKGROUND

As part of the Program's continuous improvement process (as described in the 1997 Urban Runoff Management Plan), the Program, Regional Board staff and interested outside parties conduct on-site performance reviews of the Co-permittees' local urban runoff management programs. Performance reviews in recent years have focused on one element of the Co-permittees' local programs in detail; however, this year Regional Board staff chose to review two elements.

During FY 02-03, the performance reviews focused on the effectiveness of existing New Development Control Programs (to determine how individual Co-permittees are preparing to implement Permit Provision C.3 requirements); and the implementation of the revised Construction Inspection Performance Standard. To facilitate the incorporation of "continuous improvement" items (determined from the reviews) into the FY 03-04 Work Plan, Regional Board staff conducted the reviews during November through December 2002. Program staff attended and provided support for the reviews.

SUMMARY OF REVIEW MEETINGS

The performance review meetings focused on the Regional Board staff's desire to learn how Co-permittees are implementing New Development Controls and Construction Inspection measures. The Regional Board staff's (Jan O'Hara's) goal of reviewing New Development Controls was to (1) gain a better understanding of the steps municipalities are taking to implement the new requirements; (2) learn who is responsible for implementing the new requirements at each municipality; and (3) determine if implementation has serious impediments, and if so, are there any steps Regional Board staff can assist with improving implementation. The goal of reviewing existing Construction Inspection programs was to evaluate the Co-permittees' implementation of the revised Construction Inspection Performance Standard. This review was prompted by the release of an Audubon Society report entitled *Stormwater and Sediment: An Evaluation of San Jose's Construction-Site Monitoring and Enforcement Program*. The report calls attention to the pollution potential of inappropriately maintained construction sites. The review also helped the Regional Board's new construction site inspector for Santa Clara County, Jolanta Uchman, to become familiar with the Co-permittees' construction inspection programs.

In general, Regional Board staff appeared to be satisfied with the level of effort and the direction Co-permittees are taking to implement New Development Controls and Construction Inspection requirements. Regional Board staff is preparing and will soon distribute highlights of the review meetings detailing the implementation successes of and agreed upon improvements for both program elements. As a result, it appears that everyone (Regional Board staff, Program and Co-permittee staff) understands the current and expected implementation requirements pertaining to New Development Controls and Construction Inspection measures.

CONTINUOUS IMPROVEMENT

Continuous improvement of New Development Controls and Construction Inspection programs will occur at the Program and local levels. A list of continuous improvement items

identified during each performance review is presented in Table 9-1. Co-permittees have included tasks in their FY 03-04 Work Plans which address the improvements identified for their programs. Program tasks are included in the list of continuous improvement tasks for FY 03-04 (Table 1-1) and in the Program's New and Redevelopment Work Plan (Section 7).

**Table 9-1
FY 02-03 Performance Reviews for New Development and Construction Site Inspection Programs
List of Continuous Improvement Items**

Co-permittee (Review Date)	Suggested Improvements
Campbell (12/03/02)	<u>West Valley Communities:</u> <ul style="list-style-type: none"> • Improve data collection process for enhanced reporting requirements.
Cupertino (12/10/02)	<ul style="list-style-type: none"> • Enhance internal communication regarding proposed changes to operations.
Los Altos (11/19/02)	<ul style="list-style-type: none"> • Set up binder with sample NOI and SWPPP. • Improve communication with Regional Board Inspectors if help is required in getting schools to cooperate. • Enhanced record keeping (pesticide reduction measures, locations of O&M agreements). • Provide outreach to private sector on numeric sizing criteria.
Los Altos Hills (11/21/02)	<ul style="list-style-type: none"> • Enhanced reporting requirements (per Provision C.3).
Los Gatos (12/03/02)	<ul style="list-style-type: none"> • See Campbell (West Valley Communities' items).
Milpitas (11/12/02)	<ul style="list-style-type: none"> • Enhanced record keeping (pesticide reduction measures). • Enhanced reporting requirements (per Provision C.3). • Verify timeframe necessary to resolve inspection infractions. • Improve inspection tracking of public projects.
Monte Sereno (12/03/02)	<ul style="list-style-type: none"> • See Campbell (West Valley Communities' items).
Mountain View (12/03/02)	<ul style="list-style-type: none"> • Revise Standard Conditions to incorporate sizing criteria.
Palo Alto (11/19/02)	<ul style="list-style-type: none"> • Fine tune means of identifying applicable C.3 projects during the development review process. • Work with Utilities Water Conservation and Public Works Environmental Compliance staff

**FY 02-03 Performance Reviews for New Development and Construction Site Inspection Programs
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Co-permittee (Review Date)	Suggested Improvements
	<p>to finalize pesticide reduction requirements/guidance for land development projects.</p> <ul style="list-style-type: none"> • Review City's CEQA project checklist to verify that all of the C.3 issues are adequately addressed. • Develop improved mechanism for Environmental Compliance inspector to identify construction sites to inspect for potential water quality violations. • Revise Illicit/ Illegal Dumping reporting form to better track Construction-related storm water quality violations. • Verify that staff at the City Welcome Desk knows where to refer callers reporting illegal dumping incidents.
San Jose (12/4/02)	<ul style="list-style-type: none"> • Improve tracking of inspection information with the "AMANDA" data management system. • Train building inspectors to observe and report potential erosion control and storm water pollution problems. • Investigate the feasibility of increasing the number of people who have authority to issue administrative citations.
Santa Clara (12/12/02)	<ul style="list-style-type: none"> • Amend conditions of approval and procedures related to NOI sites to include sites with disturbed area of <u>1 acre</u> or greater. • Improve information sharing between Street Department and Planning/Building Inspection Department on smaller sites (< 5 acres) with erosion potential.
Saratoga (12/03/02)	<ul style="list-style-type: none"> • See Campbell (West Valley Communities' items)
Sunnyvale (11/12/02)	<ul style="list-style-type: none"> • Enhance construction inspection specifications to include more enforceable provisions.
Santa Clara County (12/19/02)	<ul style="list-style-type: none"> • Update Construction Inspection Performance Standard. • Look into special use permits for vineyards. • Hold focus training for building inspectors.

**FY 02-03 Performance Reviews for New Development and Construction Site Inspection Programs
List of Continuous Improvement Items**

Co-permittee (Review Date)	Suggested Improvements
	<ul style="list-style-type: none"> • Take more aggressive action in issuing grading violations (i.e. issue more formal enforcement actions at earlier stages in the development process).
SCVWD (12/04/02)	<ul style="list-style-type: none"> • Improve and implement the District's enforcement/fine procedures. • Increase the frequency of construction site inspections. • Improve mechanism for confirming that observed construction sites issues have been resolved (e.g., add space on inspection form to indicate whether follow-up action or inspection was done).
SCVURPPP	<ol style="list-style-type: none"> 1. Develop written tools to be used to train staff on Provision C.3 requirements (in case of staff turnover). 2. Hold future training workshops on multiple days to increase the chances staff will be able to attend. 3. Develop brochures/handouts to provide to developers containing information on Provision C.3 with reference to resources containing ideas. 4. Develop design guidance containing stormwater control opportunities for small road modifications. 5. Follow-up on pesticide reduction guidance to ensure effectiveness. Research conflicts between water conservation and pest resistance/pesticide reduction.