

SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM
NEW DEVELOPMENT AND CONSTRUCTION ACTIVITIES CONTROL MEASURES

**Performance Standard and Supporting Documents for
Construction Inspection**
(Revised 1/17/02)¹

I. Introduction

The goal of construction activities control measures is to minimize the water quality impacts of land development during construction². These control measures apply to both private development projects and municipal public works construction projects. Municipal agencies can ensure that required control measures are implemented at development sites as part of a construction inspection and enforcement program. The Construction Inspection performance standard defines the level of implementation that each municipal agency in the Santa Clara Valley Urban Runoff Pollution Prevention Program (Program) must attain to demonstrate that its construction inspection program controls storm water quality impacts to the maximum extent practicable. This performance standard will be used as the basis for measuring the effectiveness of each municipal agency's construction inspection and enforcement activities.

The Performance Standard for Construction Inspection is based, primarily, on the San Francisco Bay Regional Water Quality Control Board's April 1994 *Staff Recommendations for New and Redevelopment Controls for Storm Water Programs (Recommendations)*. The *Recommendations* incorporate the mandates of EPA's storm water regulations as well as the *Coastal Zone Act Reauthorization Amendments*. The performance standard is also consistent with the goals and objectives of the New Development and Construction component of the Program's 1997 *Urban Runoff Management Plan (URMP)*.

¹ Revisions approved by the Program's Management Committee on 1/17/02.

² The Program's Planning Procedures Performance Standard addresses the municipal agency's responsibility to ensure that developers include permanent (post-construction) storm water quality control measures in the design of projects with significant storm water pollution potential.

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PERFORMANCE STANDARD

- 1) The municipal agency ensures through a construction inspection program that construction contractors properly store, use, and dispose of construction materials, chemicals, and wastes at construction sites and prevent illicit discharges³ to storm drains and watercourses.
- 2) For development projects with significant erosion potential² and planned construction activity during the wet season², the municipal agency ensures, through a construction inspection program, that erosion and/or sediment control measures are implemented in accordance with local ordinances and project conditions of approval and maintained as needed during construction.
- 3) The municipal agency inspects construction sites for adequacy of storm water quality control measures. The frequency of inspections for active sites is at least once per month, or more frequently based on the size of the project, site conditions, precipitation, and the project's potential impact on storm water quality.
- 4) Prior to the beginning of the wet season each year, the municipal agency inspects all sites requiring erosion and/or sediment control plans, to ensure that measures have been taken to minimize erosion and discharges of sediment from disturbed areas.
- 5) Construction sites with inadequate erosion/sediment controls are given verbal or written notice of the inadequacies, according to the municipal agency's enforcement procedures, and followed up with action(s) commensurate with the risk of pollutants entering municipal storm drains or waterways. Written notices and follow-up actions are tracked and summarized in the agency's Annual Report to the Regional Board.
- 6) The municipal agency provides training annually to its construction inspection staff on inspection procedures, documentation, and enforcement related to storm water pollution prevention. All inspectors receive training on the latest construction-related storm water pollution prevention techniques and appropriate follow up actions at least once every two years. The municipal agency keeps documentation that inspectors have received training.
- 7) The municipal agency provides outreach materials to contractors, developers, and municipal staff on construction BMPs and compliance with the State General Construction Activity Storm Water Permit.

³ Definitions are provided on page 3 of the Performance Standards.

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Definitions

Illicit Discharge – Any non-storm water discharge to a storm drain or watercourse, except for conditionally exempted discharges allowed under the Program's NPDES permit.

Significant Erosion Potential – Conditions created by land disturbance activities that require a grading permit, as defined by local ordinance, or by discharges of storm water runoff over areas with erodable soils.

Wet Season – As defined by local ordinance (typically October 15 to April 15).

NOI Site – A construction site of a size or nature to require coverage under the State's Construction Activity General Permit.

Adequate BMPs -- Best management practices effective for minimizing erosion, controlling sediment onsite, containing materials and wastes, and preventing storm water pollution, such as those described in the Regional Board's *Erosion and Sediment Control Field Manual* (1999), the *California Construction BMP Handbook* (1993 and updates), the *ABAG Manual of Standards for Erosion & Sediment Control Measures* (1995) or other appropriate references.

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Attachment 1 WORK PLAN IMPLEMENTATION

This section describes the activities to be conducted by the co-permittee , and described in the co-permittee's local URMP to implement the performance standard, along with an implementation schedule.

Example Contents of the Work Plan

- Take steps to obtain adequate legal authority to conduct and enforce construction site inspections if necessary.
- Develop (or review and revise) standard operating procedures for inspection and enforcement.
- Develop or adapt BMPs and control measures identified in Section 3.
- Obtain or develop educational materials for training construction inspectors and for outreach to contractors, developers, and municipal staff.
- Develop a training program for construction inspectors.
- Annually conduct an evaluation of the effectiveness of the construction inspection program, report the results of the evaluation in the Annual Report, and identify items for continuous improvement.

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Attachment 2 LEGAL AUTHORITY TO IMPLEMENT

This section contains a demonstration of the co-permittee's legal authority to implement the performance standard, or a time schedule for developing and obtaining additional authority. Adequate legal authority includes the ability to issue a "stop work" order and fines to the construction contractor, owner, or agency for noncompliance with the pertinent ordinances and sections of the municipal code.

Provide references to or excerpts from the following documents, if applicable, to demonstrate adequate legal authority to inspect construction sites and enforce compliance with storm water requirements:

- Storm water discharge ordinance.
- Erosion and sediment control and/or grading ordinance.
- Other ordinance or section of municipal code.

Each municipality should have procedures for applying graduated levels of enforcement, for example:

First level – Verbal warning

Second level — Written field notification of non-compliance;

Third level – Issuance of stop work order or citation;

Fourth level – Referral to the Regional Board.

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Attachment 3 WORK PLAN BMPS AND CONTROL MEASURES

This section should contain the best management practices and control measures that co-permittees will employ or use as a standard for compliance in the implementation of the performance standard, as well as any design criteria, procedures, or methods that would assist in the use of the BMPs or control measures.

Example BMPs and Control Measures

- Minimum standards for construction BMPs.
- Requirements for erosion and sediment control measures (examples):
 - ⇒ Requiring contractors to have installed and implemented BMPs adequate for the season and site conditions.
 - ⇒ Requiring contractors to keep an adequate (depending on the season) supply of erosion and sediment control materials on-site throughout the year;
 - ⇒ Requiring contractors to have an erosion control emergency response plan, including 24-hour contact numbers.
- Standard contract specifications for municipal projects
- Standard conditions of approval related to construction BMPs and requirements (for example, see Attachment 3a, City of San Jose COA letter).

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Attachment 4 STANDARD OPERATING PROCEDURES

This section should contain the co-permittee's standard operating procedures (SOPs) for implementation of the performance standard.

Description of Inspection and Enforcement Program:

- Which departments or types of inspectors conduct the various components of construction inspections (erosion control measures and materials/waste management, public vs. private projects).
- Timing and frequency of inspections (public and private projects).
- Method of documentation and reporting of violations, follow-up and enforcement actions.
- Who is responsible for taking and tracking follow-up actions.
- Enforcement criteria and procedures.
- Tools used: inspection checklists, outreach materials, use of storm water pollution prevention plans in inspections, etc.
- Coordination of enforcement efforts with other agencies, including the Regional Water Quality Control Board.
- Training program for construction inspectors in erosion control and storm water quality issues, and at least bi-annual training in the latest erosion and sediment control techniques (such as the trainings conducted by Regional Board staff or ABAG).