

**BMP 4.1 Grading Ordinance Revisions**

**Measurable Goal 4.1.1:** *Revise Grading Ordinance prior to SWMP implementation.*

**Status:** Complete. See Storm Water Management Program Chapter 4.0.

**Proposed Modifications:** This BMP is complete; no modifications are proposed.

**Planned Year 4 Activities:** No additional activities are proposed for this BMP. It was completed prior to Regional Board approval of the SWMP in July 2006.

**BMP 4.2 Evaluate Grading Ordinance Efficacy**

**Measurable Goal 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 (year 2).*

**Status:** Complete. See Annual Report Year 2.

**Proposed Modifications:** None.

**Planned Year 4 Activities:** No additional activities are proposed for this BMP.

**Measurable Goal 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 (year 3).*

**Status:** Recommendations from the grading ordinance evaluation report completed during Year 2 were evaluated during Year 3. The status of each recommendation is summarized in the table below. Some recommendations, such as tracking system upgrades and a standard list of minimum construction BMPs for planners to use were implemented in Year 3. Performance bonds for all projects exceeding 500 cubic yards of grading are already required. Outstanding recommendations, including Grading Ordinance revisions will continue into Year 4.

**Table 4-1 Construction Evaluation Results**

Recommendation	Status
<u>Stop Work.</u>	
<ul style="list-style-type: none"> <li>Establish a separate bond for such violations, and use the bond to extract payment</li> </ul>	<p>Performance bonds are required for all projects with grading amounts of 500 cubic; construction bonds are required for all discretionary projects and are not released until all project conditions are met</p>
<ul style="list-style-type: none"> <li>Back-charge the applicant</li> </ul>	<p>Procedures for back-charging applicant did not occur in Year 3.</p>
<ul style="list-style-type: none"> <li>Provide citation authority to Building &amp; Safety staff (citations are issued by District Attorney).</li> </ul>	<p>No citations were issued in Year 3. B&amp;S staff does have citation authority. See County Code Sec. 1-15.</p>
<u>Limited Inspections on Smaller Projects</u>	
<ul style="list-style-type: none"> <li>Include standard language on all building and grading plans that state minimum required BMPs to protect water quality</li> </ul>	<p>Complete – see * below.</p>
<u>Scope Limitations</u>	
<ul style="list-style-type: none"> <li>Areas of stockpiled soil less than 50 cubic yards, and areas of grubbing or denuded vegetation, are outside the scope of the Grading Code. Revise Grading Code.</li> </ul>	<p>Grading Code revisions anticipated in late 2010.</p>
<u>Tracking Implementation of Erosion and Sediment Control Plans</u>	
<ul style="list-style-type: none"> <li>Develop a standard checklist for construction sites with individual BMP tracking</li> </ul>	<p>Complete. Updated procedures require that the following “shall be clearly depicted on all grading plans”:</p>
	<ol style="list-style-type: none"> <li>1) All proposed grading within existing and proposed contours;</li> <li>2) All drainage patterns (existing and proposed) and devices;</li> <li>3) Construction phase erosion control. (A copy of the NOI &amp; SWPPP is required where disturbed areas are one (1) acre or larger);</li> <li>4) Permanent erosion control measures;</li> <li>...</li> </ol>
<ul style="list-style-type: none"> <li>Place standard language on all Building Plans and Erosion and Sediment Control Plans regarding pollution control measures</li> </ul>	<p>Complete – see * below.</p>
<u>Vegetation Clearing</u>	
<ul style="list-style-type: none"> <li>The scope is limited to construction activity. address landscaping projects separately in the Grading or Zoning code for certain types or sizes of landscaping projects with requirements to protect water quality from erosion and sediment runoff</li> </ul>	<p>Grading Code revisions anticipated in late 2010.</p>

Recommendation	Status
<p><u>Tracking BMPs</u></p> <ul style="list-style-type: none"> <li>Permits are not tracked by individual conditions, therefore it is impossible to identify projects with specific construction BMP conditions</li> </ul>	<p>P&amp;D staff considered this recommendation as an optional upgrade to Accolade. It was determined that tracking each BMP individually was not practical.</p>
<p><u>Tracking Complaints.</u></p> <ul style="list-style-type: none"> <li>Track complaints submitted by public regarding construction activities with potential water quality impacts separately from all other zoning or permit-related complaints</li> </ul>	<p>P&amp;D staff considered this recommendation and determined separate tracking of complaints was not practical.</p>
<p><u>Tracking Complaints.</u></p> <ul style="list-style-type: none"> <li>Develop standard list of minimum construction BMPs for planner's to use to help evaluate projects and establish mitigation measures</li> </ul>	<p>Completed in Year 3 through PCW staff training to development review staff. Minimum construction BMPs appropriate at the planner's level has been integrated into the training curriculum.</p>
<p><u>Building Inspectors</u></p> <ul style="list-style-type: none"> <li>Provide clean water BMP training Sites &gt;1.0 ac</li> <li>Need to be tracked separately in Accolade</li> </ul>	<p>Completed Year 2. To be repeated in Year 4. Completed, Feb09 with upgrades.</p>
<p><u>Correction / Inspection Results</u></p> <ul style="list-style-type: none"> <li>Digitally record all correction notices and inspection results and provide print copies to the contractors immediately</li> <li>Digitally record all correction notices and inspection results and provide print copies to the contractors immediately</li> </ul>	<p>Not complete in Year 3; not anticipated for Year 4. Not complete in Year 3; not anticipated for Year 4.</p>

\* Standard language required on all plans submitted for Building or Grading is as follows:

*Best Management Practices for Construction Activities: Eroded sediments and other pollutants must be retained onsite and may not be transported from the site via sheet flow, swales, area drains, natural drainage courses, or wind. Stockpiles of earth and other construction related materials must be protected from being transported from the site by the forces of wind or water. Fuels, oils, solvents, and other toxic materials must be stored in accordance with their listing and are not to contaminate the soil and surface waters. All approved storage containers are to be protected from the weather. Spills may not be washed into the drainage system. Excess or waste concrete may not be washed into public way or any other drainage system. Provisions must be made to retain concrete wastes on site until they can be disposed as a solid waste. Trash and construction related solid waste must be deposited into a covered waste receptacle to prevent contamination of rainwater and dispersal by wind. Sediments and other material may not be tracked from the site by vehicle traffic. The construction entrance roadways must be stabilized so as to inhibit sediments from being deposited into the public way. Accidental deposition must be swept up immediately and may not be washed*

*down by rain or other means. Any slopes with disturbed soils or denuded of vegetation must be stabilized so as to minimize erosion by wind and water.*

**Proposed Modifications:** None.

**Planned Year 4 Activities:** In order to meet or exceed the requirements of the Phase II General Permit, it is anticipated that the Planning & Development staff will make revisions to the Grading Code and will take recommendations to the Board of Supervisors for consideration by fall 2010. Training for Building and Safety Division, Building Inspectors and for Development Review Division planning staff will continue.

**BMP 4.3 Erosion & Sediment Control; Control of Construction-Related Wastes**

**Measurable Goal 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.*

**Status:** Complete. All permitted construction projects must have either an approved Erosion and Sediment Control Plan or, for those projects greater than 1.0 acre, a Storm Water Pollution Prevention Plan prepared under the requirements of the Construction General Permit (99-08-DWQ). In other words, a County-approved Erosion and Sediment Control Plan (or Storm Water Pollution Prevention Plan) is required before an applicant can be issued a Grading Permit.

Therefore, 100% of all Grading Permits issued in Year 3 had either an Erosion and Sediment Control Plan or Storm Water Pollution Prevention Plan approved. In Year 3, there were 229 Grading Permits filed and 229 Erosion and Sediment Control Plan's (or Storm Water Pollution Prevention Plans) approved.

**Proposed Modifications:** Ongoing requirements will continue; no changes are recommended.

**Planned Year 4 Activities:** Ongoing requirements will be implemented on 100% of all relevant permit applications.

**BMP 4.4 Plan Review, Receipt and Consideration of Information Submitted by the Public, and Site Inspection and Enforcement**

**Measurable Goal 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.*

**Status:** In Year 3, there were a total of 45 active grading permits with construction activities greater than one acre. A list of cases with site activities greater than one acre is shown in Appendix 4A.

Inspections at active sites were to occur twice/month from November 1 through April 15. The records shown in Appendix 4A and 4B indicate that County staff failed to make a second SWPPP inspection on three cases. Grading Inspectors familiar with these cases indicate that no discharges occurred because these construction sites were already well stabilized. In particular, 07GRD-00058 was finalized in April. In addition, it can be seen that there are many additional site inspections concerning other aspects of construction such as “retaining wall,” “footing & setback” etc. These onsite inspections provide additional opportunities for observation and increase the likelihood that inspectors will confirm construction BMP performance.

Missed a second March inspection:

- 04GRD-00198 Stonegate
- 07GRD-00058 Meadows / Grading

Missed a second February inspection

- 06GRD-00232 Berkoff / Grading for SFD

In addition to inspections required under the Section 14-18 of the County Code by Building & Safety Division staff, Development Review Division staff inspects construction sites that are subject to permit compliance conditions. Most discretionary projects are specially conditioned for erosion and sediment control measures as well as dust control measures, therefore it is a direct permit condition requiring enforcement and monitoring by County staff, especially in the winter time. Since Grading Inspectors are specifically trained in the areas of grading, drainage and erosion control, permit compliance inspectors will notify the area grading inspector of any concerns found in these areas during their routine compliance inspections.

The tracking system upgrade (Accela) now provides actual inspection, but uses this data record category called “mitigation monitoring” to include actual field inspections, as well as other mitigation monitoring such as reviewing reports, or reviewing plans, that are not related to an actual site visit. Also, the record includes pre-loading information for future activities, such as inspections or report reviews. This way the tracking system sends reminders, or ticklers, to compliance staff to schedule or perform a future activity. Changes were also made to the reporting function which allows detailed notes that are entered during inspections to appear on reports, thus providing a more complete understanding of what occurred on a given case. The next phase of improvements includes the addition of a wireless access module which will allow grading inspection staff to download and input information directly while in the field. All of these improvements increase the efficiency of grading inspection staff.

**Proposed Modifications:** No changes are recommended to this measurable goal.

**Planned Year 4 Activities:** Ongoing program for inspections will continue and every effort made to reach the measurable goal of two inspections/month during period November 1 through April 15. The report format will be revised to include an address for those sites > 1.0 ac.

**Measurable Goal 4.4.2:** *Conduct minimum of four County inspections throughout project duration during non-rainy season.*

**Status:** Complete. There are 232 open cases including permits filed but not issued. Inspection activity for these cases is shown in Appendix 4C.

**Proposed Modifications:** Ongoing requirements will continue; no changes to this measurable goal are recommended.

**Planned Year 4 Activities:** Ongoing program for inspections will continue.

**Measurable Goal 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.*

**Status:** Complete. As shown in Appendix 4B, County Grading inspectors made 1,171 individual permit inspections (includes some building permits) in the North County, and 822 permit inspections (includes some building permits) on the South County during Year 3. There were no Stop Work Orders or enforcement action requiring use of construction bonds or legal action. Verbal warnings or corrections are tracked through individual site field notes; records available upon request.

**Proposed Modifications:** Ongoing requirements will continue; no changes are recommended.

**Planned Year 4 Activities:** No additional activities proposed.

**Measurable Goal 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.*

**Status:** Complete. There were three incidents concerning construction-related wastes submitted to, and acted upon by, PCW staff. These included complaints: 08-030, 09-

033, and 09-047 (see Appendix 3A). In case of 08-030, a painting contractor was required to cleanup area of paint washout in parking area using dry methods. In case 09-033, sediment and rock material from construction site was cleaned up by the contractor. Case 09-047 was determined not to be a pollution discharge, or future potential discharge. In that case, woody debris from construction demo was placed behind a pipe-and-wire revetment and was secured from falling into the creek.

**Proposed Modifications:** Ongoing commitment will continue; no changes recommended.

**Planned Year 4 Activities:** Continued response to all information submitted to PCW concerning construction site activities.

**Measurable Goal 4.4.5:** *Review and act on all info submitted by public to Building & Safety Division within three days*

**Status:** Complete. It is Building & Safety policy to respond to all complaints within three days. All complaints called into P&D and referred to Grading Inspectors become a mandatory inspection, and are inspected within 48 hours.

**Proposed Modifications:** None.

**Planned Year 4 Activities:** County will review and act on all information submitted by public to Building & Safety Division within three days.

**Measurable Goal 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.*

**Status:** Complete. Data is available to the public upon request.

**Proposed Modifications:** This BMP was implemented in Year 1, therefore no changes are recommended.

**Planned Year 4 Activities:** Ongoing tracking of active grading permits to be provided to public upon request.

#### **BMP 4.5 Discretionary Projects - Land Use Permits**

**Measurable Goal 4.5.1:** *Review discretionary permit process and develop standard conditions and procedures to protect water quality during construction activities prior to SWMP implementation.*

**Status:** This measurable goal was completed prior to approval of the SWMP in July 2006. This included policy and standard conditions to protect water quality during construction and controls for erosion and non-storm water discharges – See SWMP.

Additional evaluation of this program was performed in Year 2 as discussed under BMP 4.2.

**Proposed Modifications:** No modifications to this measurable goal.

**Planned Year 4 Activities:** See MG 4.2.2.

#### **BMP 4.6 Evaluate Land Use Permit Program Efficacy**

**Measurable Goal 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 (Year 2)*

**Status:** Complete. The Grading Ordinance and the development review process were evaluated under BMP 4.2 in Year 2. See results in Year 2 Annual Report.

**Proposed Modifications:** None.

**Planned Year 4 Activities:** See MG 4.6.2.

**Measurable Goal 4.6.2:** *Revise as necessary to meet or exceed all of the requirements of this MCM (Year 3).*

**Status:** See MG 4.2.2.

**Proposed Modifications:** None

**Planned Year 4 Activities:** See MG 4.2.2.

#### **4.7 Staff Training**



**Measurable Goal 4.7.1:** *100% annual training of grading inspectors (Years 1-5).*

**Status:** There are two grading inspectors from the Building and Safety Division, one each in the North and South County. Each attended a 4-hour workshop hosted by the Central Coast Regional Water Quality Control Board in Santa Maria on March 24, 2009. In addition, staff from Development Review (planners and compliance inspector) and from the PCW program also attended.

**Proposed Modifications:** None.

**Planned Year 4 Activities:** Attendance at training workshop(s).

**Measurable Goal 4.7.2:** *100% attendance at annual training of permit & review planning staff in selection & application of adopted standard conditions for construction related activities (Years 2-5).*

**Status:** All P&D development review staff received training by PCW staff during Year 3.

**Table 4-4 Development Review Staff Training**

<u>Location</u>	<u>Date</u>	<u>Attended</u>	<u>Total staff</u>	<u>Percent trained</u>	<u>Met Measurable Goal?</u>
Santa Maria	6/8/09	11	11	100%	Yes
Santa Barbara	5/26/09	15	15	100%	Yes
Total		26	of 26		

The follow-up survey and results are shown in Appendix 5A (see Construction page of survey). All attendees completed the survey.

**Proposed Modifications:** None

**Planned Year 4 Activities:** The topic of construction activities and the role of planning staff will continue to be included in the Development Review training conducted under BMP 5.5.

## 4.8 Construction Workshops

**Measurable Goal 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 (Year 2).*

**Status:** Complete in Year 2.

**Proposed Modifications:** None.

**Planned Year 4 Activities:** See Measurable Goal 4.8.3.

**Measurable Goal 4.8.2:** *Post details of construction-related requirements on County website (Year 1).*

**Status:** Completed and ongoing. See <http://www.sbprojectcleanwater.org/construction.html>

The County's Building & Safety website also provides information on the permit including grading permit submittal requirements, fees, and application/permit status, with links to appropriate BMPs for submitting an Erosion and Sediment Control Plan or Stormwater Pollution Prevention Plan. See <http://sbcountyplanning.org/building/index.cfm>

**Proposed Modifications:** None.

**Planned Year 4 Activities:** Ongoing updates of websites, as needed or appropriate.

**Measurable Goal 4.8.3:** *At least one public workshop on BMPs annually (Years 2-5).*

**Status:** During Year 3, the State of California sponsored a construction workshop in Santa Barbara on March 24, 2009.

**Proposed Modifications:** None.

**Planned Year 4 Activities:** Similar to last year, County staff will assist the state's consultant team in locating a venue and construction site for the field trip, and County staff will offer to provide handouts and information to attendees at the workshop. We will evaluate the effectiveness of this measurable goal and consider alternative forms of outreach and communication.