

A photograph showing a muddy, brown stream flowing through a construction site. The water is turbulent and carries a lot of sediment. The stream is contained within a shallow, earthen channel that has been dug into the ground. The surrounding area is a mix of dirt, gravel, and some sparse green grass. In the background, there are some dark, possibly black plastic, coverings or structures. The overall scene depicts a common environmental violation related to construction storm water management.

# Construction Storm Water - “10 Most Common Violations”

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Central Valley Region, Redding Office  
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# *Central Valley Regional Water Quality Control Board*



*Our mission is to preserve, enhance  
and restore the quality of California's  
water resources, and ensure their  
proper allocation and efficient use for  
the benefit of present and future  
generations.*



# Brief Biography

- Grew up enjoying the outdoors, wildlife, camping and fishing in Sonoma County along the Russian River,
- Bachelor of Science – Freshwater Fisheries (1996) from HSU
- In 1997 decided to go back to school for Master's Degree in Wastewater-Water Quality Program,
- Realized that fish/critters/humans need clean water to live = Water is Gold of the Future
- In 2000, took a position with Regional Water Quality Control Board in Santa Rosa, transferred to Redding in 2006
- Master of Science – Water Quality (2003)
- Work in the SW and 401 Programs



# Presentation Overview

- RWQCB Overview
- Construction Storm Water Permit Overview
- Current General Permit Overview/Requirements
- “10 Most Common SW Issues Leading to Violations”
- Enforcement
- Staying in Compliance



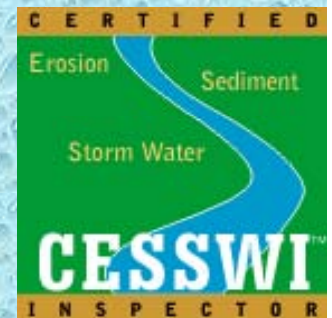


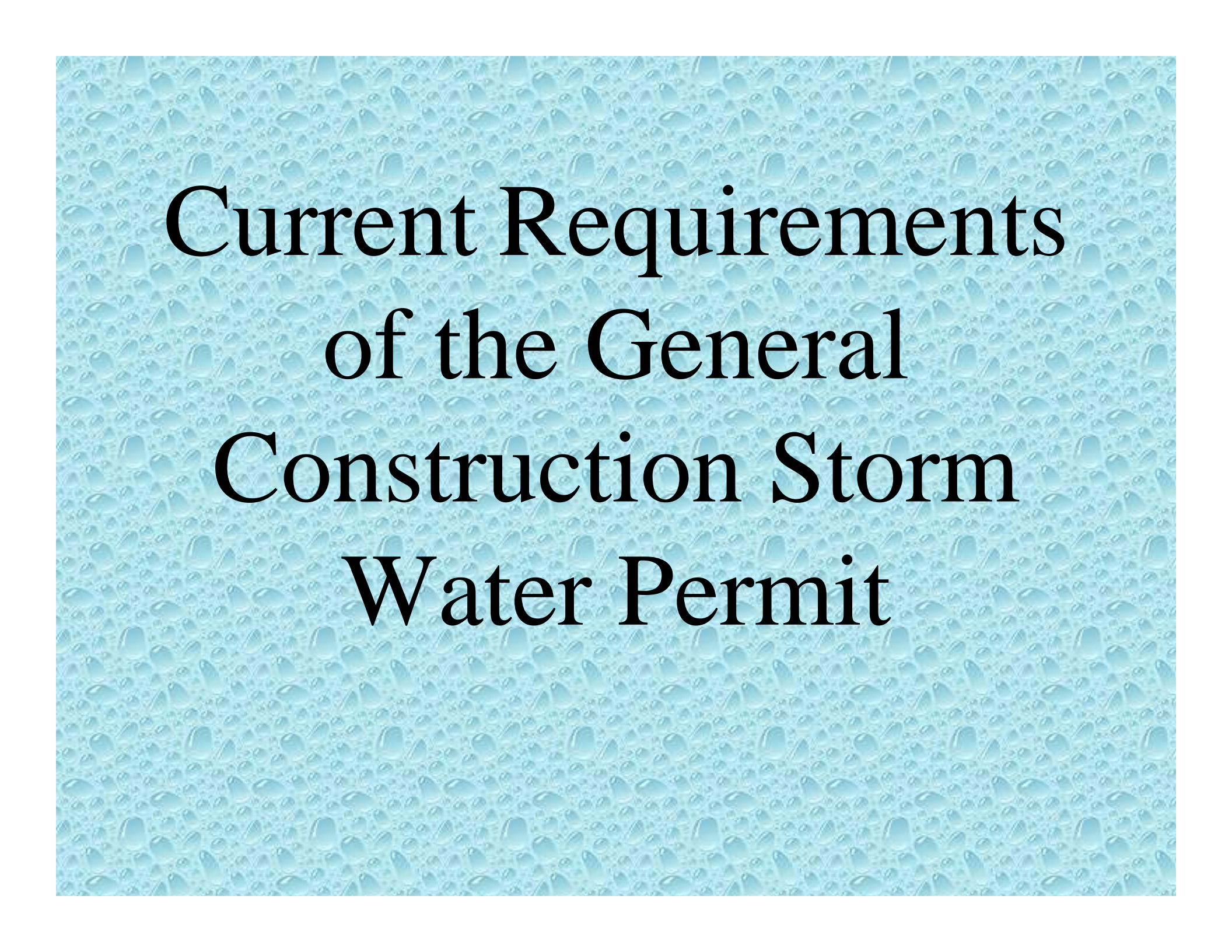
# Basin Plan and Beneficial Uses

- The Water Quality Control Plan for the Central Valley Region (“Basin Plan”) is comprehensive in scope, and describes its water quality and quantity problems, as well as present and potential beneficial uses.
- “Beneficial uses” of waters of the state that may be protected against water quality degradation include, but are not limited to:
  - preservation and enhancement of fish, wildlife, and other aquatic resources; recreation; domestic, municipal; agricultural; navigation; industrial; aesthetic enjoyment; ect.

# State General Construction Permit Regulations

- The EPA delegated storm water enforcement authority to the State Water Resource Control Board ,
- The State Water Resources Control Board issues coverage under the General Construction Storm Water Permit (Order 99-08-DWQ) for construction projects disturbing 1 or more acres,
- **September 2, 2009** – State Water Resources Control Board adopted a new construction general permit (CGP) to replace Order 99-08-DWQ
- SWRCB Order No. 99-08-DWQ remains in effect until July 1, 2010







# Current Requirements of the General Construction Storm Water Permit

# Submit a Notice of Intent (NOI) to Comply with the Terms of the General Permit

- Submit NOI, Site Map, and filing fee to the State Water Resources Control Board – Copies to Local RWQCB
- Filing fees have changed: \$317 for 1 acre, up to \$3,192 for 100+ acres
- Forms and permit documentation are available from the State Board Web Site at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/](http://www.waterboards.ca.gov/water_issues/programs/stormwater/)
- Forms are also available at local RWQCB office -  
415 Knollcrest Drive, Redding

# Notice of Intent (NOI)

Required as first step in obtaining coverage under the State's General Permit, and must be filed prior to beginning construction activities.

 State Water Resources Control Board <b>NOTICE OF INTENT</b> TO COMPLY WITH THE TERMS OF THE GENERAL PERMIT TO DISCHARGE STORM WATER ASSOCIATED WITH CONSTRUCTION ACTIVITY (WQ ORDER No. 98-XX-DWQ)			
<b>I. NOI STATUS (SEE INSTRUCTIONS)</b>			
MARK ONLY ONE ITEM    1. <input type="checkbox"/> New Construction    2. <input type="checkbox"/> Change of Information for WQID# <input style="width: 100px;" type="text"/>			
<b>II. PROPERTY OWNER</b>			
Name		Contact Person	
Mailing Address		Title	
City	State	Zip	Phone ( ) -
<b>III. DEVELOPER/CONTRACTOR INFORMATION</b>			
Developer/Contractor		Contact Person	
Mailing Address		Title	
City	State	Zip	Phone ( ) -
<b>IV. CONSTRUCTION PROJECT INFORMATION</b>			
Site/Project Name		Site Contact Person	
Physical Address/Location		Latitude	Longitude
City (or nearest City)		Zip	County
A. Total size of construction site area: _____ Acres		C. Percent of site imperviousness (including rooftops):	
B. Total area to be disturbed: _____ Acres (% of total _____)		Before Construction: _____%	
		After Construction: _____%	
D. Tract Number(s): _____		E. Mile Post Marker: _____	
F. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> YES <input type="checkbox"/> NO		G. Name of plan or development: _____	
H. Construction commencement date: ____/____/____		J. Projected construction dates:	
I. % of site to be mass graded: _____		Complete grading: ____/____/____    Complete project: ____/____/____	
K. Type of Construction (Check all that apply):			
1. <input type="checkbox"/> Residential    2. <input type="checkbox"/> Commercial    3. <input type="checkbox"/> Industrial    4. <input type="checkbox"/> Reconstruction    5. <input type="checkbox"/> Transportation			
6. <input type="checkbox"/> Utility    Description: _____    7. <input type="checkbox"/> Other (Please List): _____			
<b>V. BILLING INFORMATION</b>			
SEND BILL TO:		Name	
<input type="checkbox"/> OWNER (as in II. above)		Contact Person	
<input type="checkbox"/> DEVELOPER (as in III. above)		Mailing Address	
<input type="checkbox"/> OTHER (enter information at right)		City	
		State	
		Zip	
		Phone/Fax	

<b>VI. REGULATORY STATUS</b>	
A. Has a local agency approved a required erosion/sediment control plan? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Does the erosion/sediment control plan address construction activities such as infrastructure and structures? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Name of local agency: _____ Phone: ( ) -	
B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If yes, provide details: _____	
<b>VII. RECEIVING WATER INFORMATION</b>	
A. Does the storm water runoff from the construction site discharge to (Check all that apply):	
1. <input type="checkbox"/> Indirectly to waters of the U.S.	
2. <input type="checkbox"/> Storm drain system - Enter owner's name: _____	
3. <input type="checkbox"/> Directly to waters of U.S. (e.g., river, lake, creek, stream, bay, ocean, etc.)	
B. Name of receiving water: (river, lake, creek, stream, bay, ocean): _____	
<b>VIII. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS</b>	
A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)	
<input type="checkbox"/> A SWPPP has been prepared for this facility and is available for review. Date Prepared: ____/____/____ Date Amended: ____/____/____	
<input type="checkbox"/> A SWPPP will be prepared and ready for review by (enter date): ____/____/____	
<input type="checkbox"/> A tentative schedule has been included in the SWPPP for activities such as grading, street construction, home construction, etc.	
B. MONITORING PROGRAM	
<input type="checkbox"/> A monitoring and maintenance schedule has been developed that includes inspection of the construction BMPs before anticipated storm events and after actual storm events and is available for review.	
If checked above: A qualified person has been assigned responsibility for pre-storm and post-storm BMP inspections to identify effectiveness and necessary repairs or design changes. <input type="checkbox"/> YES <input type="checkbox"/> NO	
Name: _____ Phone: ( ) -	
C. PERMIT COMPLIANCE RESPONSIBILITY	
A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:	
1. Preparing an annual compliance evaluation. <input type="checkbox"/> YES <input type="checkbox"/> NO	
Name: _____ Phone: ( ) -	
2. Eliminating all unauthorized discharges. <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)</b>	
Have you included a vicinity map with this submittal? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Have you included payment of the annual fee with this submittal? <input type="checkbox"/> YES <input type="checkbox"/> NO	
<b>X. CERTIFICATIONS</b>	
"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."	
Printed Name: _____	
Signature: _____ Date: _____	
Title: _____	

# Eliminate / Minimize Discharges from Construction Sites to Storm Drains and Waters of the State



- Storm water discharges resulting from rain events (i.e. sediment)
- Non-storm water discharges:
  - improper dumping
  - leaking storage and maintenance areas
  - spillage of chemicals and waste materials

# Additional Permit Requirements

- Provide Training to Staff
- Certify Site Annually
- Notify the Permitting Agency of Non-Compliance Issues and ALL Discharges
- Submit a Notice of Termination when complete

# “10 Most Common Storm Water Issues Leading to Violations”

## 1. Starting to Late in the Season to Implement BMPs:

- Getting BMPs in early = better stabilization
- Provides protection against early storm events
- Ideally prior to Oct 15 - “Magic Number”??
- Plan ahead - do not have an unprotected site = Enforcement



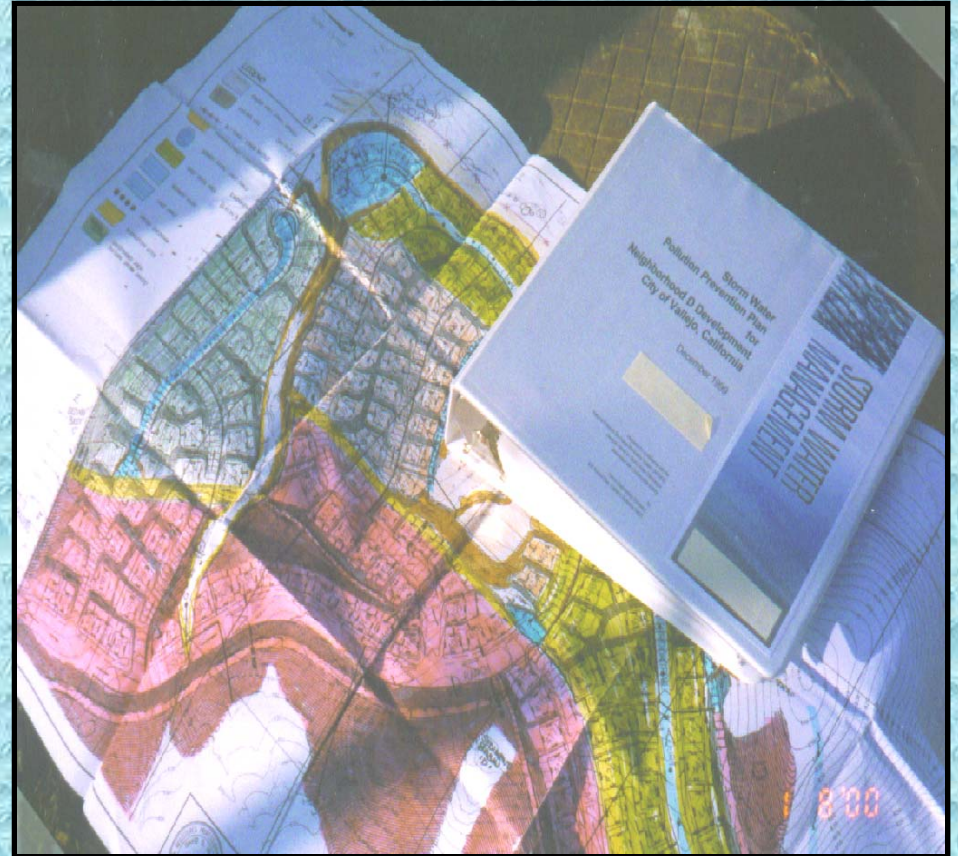


## 2. Implementing BMPs that do not fit the site:

- One size does not fit all
- Each site is different – present unique challenges
- Design SWPPP/BMPs to fit the site
- Ensure effective combination = adequate protection
- Token BMPs do not prevent storm water pollution and can result in enforcement

### 3. Failure to Implement SWPPP and Have On-site at All Times:

- BMP implementation does not reflect the SWPPP
- SWPPP not updated with changes made on-site
- SWPPP not readily available on-site
- Workers not familiar with SWPPP



#### 4. Lack of Adequate Tracking Controls:

- Results in sediment on roadways = potential discharges
- Simple and effective BMP to install/maintain
- Forgotten during the summer months = tracking and discharges





## 5. Inadequate Erosion Control BMPs:

- Keep soil in its place – “soil stabilization”
- First Line of Defense
- Limit disturbance
- Stabilize / vegetate disturbed areas ASAP after grading
- Failure to stabilize = Discharges and Enforcement

## 6. Lack of Adequate Sediment Control BMPs:

- Second Line of Defense
- Filter sediment out of runoff prior to discharging off-site
- Failure to implement & maintain SC BMPs = Discharges to surface waters =NOV/ACLs





## 7. Ineffective Concrete Waste Containment:

- Lack of containment = discharges
- Fines for \$10k + issued last year for failure to contain waste



## 8. Improperly Installed BMPs:

- Silt fence trenched in and staked,
- Wattles trenched and staked,
- Straw mulch with tacifier, ect., ect.
- **Improper installation = waste of money & possible violations**





## 9. Failure to Inspect & Maintain BMPs:

- Inspect regularly, and before/during/after storms
- Make corrective actions
- Perform maintenance
- Document all inspections
- Monitoring reports will be requested when problems are observed – failure to provide = violations and potential fines

## 10. No BMPs Implemented:

- Complete lack of BMPs = likely enforcement and fines
- Even in active construction areas, implement appropriate BMPs
- Especially important during wet season
- **Must have an Effective Combination of Erosion & Sediment Control BMPs**





# Utilize an Effective Combination of Sediment and Erosion Controls

**\*\*At a minimum – discharger must implement effective combination of erosion and sediment control on all disturbed areas during the rainy season.**

# Enforcement – How the Regional Board Responds to Storm Water Violations

## Informal Enforcement

- Verbal Warning
- Staff Enforcement Letter
- Notice of Violation  
– compels action  
within a timeframe



# Formal Enforcement



- Notice to Comply
- Notice of Noncompliance
- Cleanup and Abatement Order
- Cease and Desist Order
- Administrative Civil Liabilities (ACL = Fines)
- Attorney General/District Attorney Referral

# Administrative Civil Liability

## Minimum Amounts

- Failure to Submit a Notice of Intent for coverage under the NPDES storm water permit.

**Minimum \$5,000 plus recovery of staff costs**

- Failure to submit an annual report of construction certification when required by the Regional Board.

**Minimum \$1,000 plus recovery of staff costs**

- Violation of Permit Terms or Basin Plan Prohibitions

**Minimum amount is the economic savings of the violation**

# Administrative Civil Liability

## Fines - Maximum Amounts

- State – Maximum Amounts are \$10,000 per day, plus \$10/gallon of sediment-laden or polluted water discharged for each violation
- Federal – Amounts of up to \$27,500 per day, can be imposed for UNINTENTIONAL violation, up to \$55,000 per day for knowing violation, in addition to criminal liability and responsibility for cleanup costs



**Good  
Housekeeping –  
The Key to  
Compliance**

# Inspect and Maintain all BMPs

- Inspections by qualified personnel need to be performed:
  - Prior to anticipated storm events,
  - During extended storms,
  - and after actual storm events



# Monitoring Reports

- Inspection reports should be prepared weekly!!
- Conduct inspections before and after every rain event, and every 24 hours during extended storms!!
- Report should include deficiencies, repairs, maintenance, monitoring activities
- Keep reports with SWPPP and hold onto them for 3-years after the site work is completed

# Avoid Enforcement – Stay in compliance with the GP



# Maintenance is Key to Compliance



# Compliance is the Goal!

- Keep your site clean
- Monitor regularly
- Make corrective actions
- Report discharges



# **Contact Information**

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# Questions /Answers

