



# SAN MATEO COUNTYWIDE Water Pollution Prevention Program

Clean Water. Healthy Community.

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*Please note we  
are meeting in  
Redwood City!*

**New Development Subcommittee  
Proposed Agenda  
February, 2010, 1:30 to 3:30 pm**

*Redwood Shores Library, Community Room  
399 Marine Parkway  
Redwood City*

- I. Tour of Redwood Shores Library** – Paul Willis, All (15 min.)  
*Objective: View stormwater management features at the site, and other features of the green building.*
  
- II. Introductions, Announcements, Minutes & Agree on Agenda** – Matt Fabry, All (5 min.)  
*Objective: Meet attendees, review and approve previous meeting summary, make announcements, and agree on agenda.*
  
- III. Update on EPA “Listening Session” on January 20** – Laura Prickett (3 min.)  
*Objective: Hear about EPA’s potential rulemaking to reduce stormwater discharges from development projects. Comment submittal deadline is February 26.*
  
- IV. Conversation with Water Board Staff Regarding the Municipal Regional Stormwater Permit (MRP) Low Impact Development (LID) Requirements** – Sue Ma, Water Board staff; Everyone (20 min.)  
*Objective: Learn more about the basis for LID requirements in MRP Provision C.3.*
  
- V. Review Revised Construction Site Inspections Tracking Spreadsheet and Consider Advantages of Spreadsheet Prepared by SCVURPPP** - Laura, Everyone (10 min.)  
*Objective: Finalize SMCWPPP’s spreadsheet and review the Santa Clara Valley Urban Runoff Pollution Prevention Program’s draft Excel spreadsheet, which may be useful for municipalities with a large number of construction sites to inspect.*

- VI. Review Draft ERP Template** – Laura, Everyone (10 min.)  
*Objective: Review the draft Enforcement Response Plan template, for meeting MRP requirements for ERPs for construction inspections, as well as illicit discharge and commercial/industrial inspections.*
- VII. Review Draft Example of Hydromodification Management Control Area Maps Showing Parcel Boundaries** - Laura, Everyone (10 min.)  
*Objective: Review draft maps and provide input on developing a set of maps for areas where the HM control area boundary does not follow major roadways.*
- VIII. Receive Draft Update of Provision C.3 Flyer** – Laura, Everyone (5 min.)  
*Objective: Receive the draft update of this flyer, which includes information on the MRP).*
- IX. Review C.3 Requirements for Roadway Projects** – Laura, Everyone (5 min.)  
*Objective: Hear how the new requirements in Provision C.3.b.ii.(4) differ from the previous permit.*
- X. Consider Preparing Binder for Organizing Materials regarding the Subcommittee’s MRP Tasks** – Laura, All (5 min.)  
*Objective: Attendees provide input on whether this type of binder would be useful.*
- XI. Update on BASMAA Development Committee** - Matt, Laura, Everyone (10 min)  
*Objective: Hear how the Bay Area Stormwater Management Agencies Association’s committee is proceeding on regional MRP tasks.*
- XII. Schedule New Development Workshop and Update of C.3 Technical Guidance and Consider Partnering with Other Programs** – Laura, Everyone (10 min.)  
*Objective: Identify timeframe for holding the workshop and updating the guidance document, and consider collaborating with the Alameda Countywide Clean Water Program and/or Santa Clara Valley Urban Runoff Pollution Prevention Program.*
- XIII. Next Meeting** – Matt, Everyone (5 min.)  
*Objective: Schedule next meeting for April 6, 2010, possibly at the Serramonte Library in Daly City, where rain gardens and pervious paving were recently constructed with funding from SMCWPPP’s green streets and parking lots program.*

## **DRAFT New Development Subcommittee Report**

**Meeting Date:** December 1, 2009

**Present:** Gilbert Yau, Belmont; Matt Fabry and John Swiecki, Brisbane; Kiley Kinnon, Burlingame; Muneer Ahmed, Colma; Jeannie Naughton, Daly City; Laura Prickett, EOA; Sean Gallegos, Half Moon Bay; Shaun Mao, Menlo Park; Florian Ebo, Millbrae; Leslie Lambert, Portola Valley; Paul Willis, Redwood City; Laura Russell, San Bruno; Gavin Moynahan, San Carlos; Ken Pacini, City of San Mateo; Camille Leung, San Mateo County; Daniel Fulford, South San Francisco

**Subcommittee Actions:**

1. Approved summary of October 6 Subcommittee meeting.

**Requested Technical Advisory Committee Action or Feedback/Guidance (if any):** None

**Other Information/Announcements:**

1. **The Bay Area Stormwater Management Agencies Association (BASMAA)**'s Development Committee will work regionally on specific Municipal Regional Stormwater Permit (MRP) tasks. Matt Fabry, Laura Prickett, Jeannie Naughton, and Lizzy Claycomb (Pacifica) will participate.
2. **Urban Greening Planning Grants** may become available through the California Strategic Growth Council. Municipalities interested in developing a green streets plan should contact Matt Fabry.
3. **The MRP** was adopted on October 14 and goes into effect December 1, 2009. The Subcommittee reviewed the Draft Implementation Plan of MRP tasks for the New Development Subcommittee.
4. **Draft Notice to Project Applicants** describing MRP low impact development (LID) requirements that go into effect December 1, 2011, was reviewed.
5. **Draft Update of the Impervious Surface Form** was reviewed (updated for MRP consistency).
6. **Draft Update of the Construction Site Inspection Form** was reviewed (updated per MRP).
7. **Draft Construction Site Inspection Tracking Spreadsheet**, for meeting construction site inspection results tracking requirements in MRP Provision C.6.e.ii.4, was reviewed.
8. **Draft Update of the Hydromodification Management (HM) Applicability Form** was reviewed. (updated for MRP consistency).
9. **Draft Update of the NPDES Checklist**, which municipalities use to identify a wide range of stormwater requirements for development projects, was reviewed (updated for MRP consistency).
10. **Draft Model Resolution Supporting Green Streets** reviewed at the October meeting will be provided to C/CAG for review.
11. **The Site Design Guidebook** is being updated to add five project descriptions and will be renamed "Guidebook of Low Impact Development Examples."
12. **Round Table Discussion.** The state's Model Water Efficient Landscape Ordinance will be effective January 1, 2010, unless municipalities adopt an equivalent ordinance. The Bay Area Water Supply and Conservation Agency's (BAWSCA) alternative model ordinance was discussed.

**Work That Affects Other Subcommittees:** None

**Next Steps:**

- Comments on the following draft documents are due December 15: MRP Implementation Plan, Notice to Project Applicants, Updated Impervious Surface Form, Updated Construction Site Inspection Form, Construction Site Inspections Tracking Spreadsheet, Updated Hydromodification Management Applicability Form, and NPDES Checklist.
- Information on BAWSCA's model ordinance will be emailed to the Subcommittee email list.

**Date of Next Meeting:** February 2, at the Redwood Shores Library, Redwood City. The meeting will include a site tour of stormwater management features of this green building.

## Proposed National Rulemaking to Strengthen the Stormwater Program

EPA is announcing plans to initiate national rulemaking to establish a program to reduce stormwater discharges from new development and redevelopment and make other regulatory improvements to strengthen its stormwater program. This website provides information on two activities related to this proposed rulemaking:

- [Stakeholder Input on Proposed Rulemaking](#)
- [Information Collection Request \(ICR\) for Proposed Rulemaking](#)

### Stakeholder Input on Proposed Rulemaking

EPA has issued a [Federal Register Notice \(PDF\)](#) (6 pp, 76K) seeking stakeholder input to help EPA shape a program to reduce stormwater impacts. Input will be provided through both written comments and during a series of public listening sessions. As described in the FR Notice, EPA seeks input on the following preliminary regulatory considerations:

- Expand the area subject to federal stormwater regulations
- Establish specific requirements to control stormwater discharges from new development and redevelopment
- Develop a single set of consistent stormwater requirements for all MS4s
- Require MS4s to address stormwater discharges in areas of existing development through retrofitting the sewer system or drainage area with improved stormwater control measures
- Explore specific stormwater provisions to protect sensitive areas

Written comments must be submitted on or before February 26, 2010 to the address specified in the Federal Register notice.

The public listening sessions will afford an opportunity for the public to provide input on regulatory actions that EPA is considering. Brief oral comments (three minutes or less) will be accepted at the sessions, and written statements will be accepted. The dates and locations of the listening sessions are as follows:

- **CLOSED** - January 19, 2010, 10:00 a.m. to 3:00 p.m. at EPA Region 5 Office, 77 W. Jackson Blvd., Chicago, IL 60604
- **CLOSED** - January 20, 2010, 10:00 a.m. to 3:00 p.m. at EPA Region 9 Office, 75 Hawthorne Street San Francisco, CA 94105
- **CLOSED** - [January 25, 2010](#), 10:00 a.m. to 3:00 p.m. at EPA Region 8 Office, 1595 Wynkoop Street Denver, CO 80202-1129
- **CLOSED** - [January 26, 2010](#), 10:00 a.m. to 3:00 p.m. at EPA Region 6 Office, 1445 Ross Avenue, Suite 1200 Dallas, Texas 75202
- **CLOSED** - [January 28, 2010](#), 10:00 a.m. to 3:00 p.m. at EPA HQ Office, EPA East Bldg, Room 1153 - Constitution Ave. entrance, Washington, DC 20004

**New!** [Listening Session Webcast](#): EPA will hold a "virtual" listening session as a webcast on February 3, 2010 from 12:00 pm to 4:00 pm Eastern time. After a presentation from EPA, this webcast will allow members of the public to call in and give brief (3 minute) statements. Audience members will be able to listen to the webcast and all public statements using their computer speakers. Click here to register for the [Listening Session Webcast](#).

**INSTRUCTIONS:** Obtain data from the Inspection Checklist for Construction Stormwater Controls completed during inspection. Enter data from one inspection per row. Column 7 (Project disturbs one acre or more?) should be answered yes or no for **only the first inspection at any site**. For sites disturbing 1 acre or more, there should be at least 1 inspection per month from October 15 to April 15. Enforcement Response Level (Columns 20-24) should correspond with the Enforcement Response Plan. Enter "1" for yes. Leave blank for no or no problem.

**PURPOSE:** Municipal Regional Permit Provision C.6.e.ii(4) requires agencies to track and report on the information identified in this spreadsheet. The data recorded in this spreadsheet will be needed to summarize inspection results as required for annual reporting. The spreadsheet must be provided to Water Board staff if specifically requested. Submission of this spreadsheet with the Annual Report is not required but encouraged.

1 Enter 1 per inspection	2 Enter 1 for each site	3 Site Name (Ref 2) <sup>1</sup>	4 Inspectn Date (Ref 1)	5 Weather During Inspectn (Ref 1a)	6 Rain with Runoff Since Prev. Inspectn? Y/N (Ref 1b)	7 ANSWER ONCE PER SITE: Project Disturbs 1 acre or more? (Y/N/See Previous Entry) <sup>2</sup> Ref 6	8-14 Problems Observed (Ref 9-15)							15 Specific Problem(s) (Ref 9-15)	16-18 Resolution (Ref 17)			19 Comments (including rationales for longer compliance times) (Ref 16)	20-24 Enforcement Response (Ref 16)					25-26 Violation Corrected?			
							8 Erosion Control	9 Sediment Control	10 Run-on & Runoff	11 Active Treatmt	12 Site Management	13 Non Stormwtr Mgt	14 Illicit Discharge		16 Problem Fixed	17 Needs more time	18 Escalate enforcement		20 Verbal warning	21 Written warning/ Notice of violation	22 Stop Work Order	23 Notice to comply	24 Legal action	25 Before Next Rain Event, Within 10 Days or Otherwise Timely? (Ref 17)	26 NOT corrected within 30 Days? (Ref 17)		
1	1	EXAMPLE: Nirvana Estates	EXAMPLE: 12/12/09	EXAMPLE: Light Rain	EXAMPLE: Yes	1	1	1	1	1	1	1	1	EXAMPLE: Hydroseed washout, Straw wattles/silt fence not working, Excessive run-on from upslope, Active treatment daily log not kept, Soil stockpile not covered, concrete washwater in storm drain	1												
1		EXAMPLE: Nirvana Estates	EXAMPLE: 12/19/09	EXAMPLE: Clear	EXAMPLE: No	EXAMPLE: See previous entry								EXAMPLE: All problems observed on 12/12/09 were fixed	1										1		
1	1	EXAMPLE: Serenity Subdivision	EXAMPLE: 12/13/2009	EXAMPLE: Clear	EXAMPLE: No	EXAMPLE: No							1	EXAMPLE: Sawcutting slurry in stormdrain.		1											
1		EXAMPLE: Serenity Subdivision	EXAMPLE: 12/20/2009	EXAMPLE: Heavy rain	EXAMPLE: Yes	EXAMPLE: See previous entry								EXAMPLE: No problem	1											1	

Total # Inspections	Total # Sites
4	2

No. of sites disturbing ≥ 1 acre: 1  
 No. of sites disturbing < 1 acre: 1

	Erosn Control	Sed Control	Runoff/Runon	Active Treatmt	Site Mgt	NonStormwtr	Illicit Dischg
No. of sites disturbing ≥ 1 acre:	1	1	1	1	1	1	2
No. of sites disturbing < 1 acre:							
Total problems:	8						
Percentage by BMP category:	13%	13%	13%	13%	13%	13%	25%

Total sites with Problems Fixed: 2

	Verbal warn.	Written warn.	Stop work	Notice comply	Legal action	Timeframe of corrections	
Total enforcement actions:	1	0	1	0	0	Total timely corrections: 2	Total NOT corrected within 30 days: 0
Percentage within enforcement category:	50%	0%	50%	0%	0%	Percentage of sites with timely corrections: 100%	Percentage NOT corrected in 30 days: 0%

<sup>1</sup> The references (for example "Ref 12") refer to the applicable item number on the Construction Site Stormwater Inspection Checklist.

<sup>2</sup> Answer Yes or No only once for each site. 1=Yes, 0=No.

Summary

[Sheet 3 of SCVURPPP Construction Site Inspection Tracking Excel Workbook]

	A	B	C	D	E	F	G
1	<b>Number of Sites Disturbing less than 1 acre of soil requiring inspection (i.e. High Priority) (C.6.e.iii.1.a):</b>						
2	0						
3							
4	<b>Number of Sites Disturbing 1 acre of soil or more (C.6.e.iii.1.b):</b>						
5	1						
6							
7	<b>Total Number of Inspections Conducted (C.6.e.iii.1.c):</b>						
8	4						
9							
10	<b>Violations (C.6.e.iii.1.d)</b>						
11	<b>Erosion Control</b>	<b>Run-on &amp; Runoff</b>	<b>Sediment Control</b>	<b>Active Treatment</b>	<b>Good Site Management</b>	<b>Non-Stormwater Management</b>	<b>Total</b>
12	1	0	2	0	0	0	3
13	33%	0%	67%	0%	0%	0%	
14							
15	<b>Enforcement Actions (C.6.e.iii.1.e):</b>						
16	<b>No Action</b>	<b>Verbal Warning</b>	<b>Written Warning</b>	<b>Administrative Action</b>	<b>Educational materials handed out</b>	<b>Stop Work Order</b>	<b>Total</b>
17	2	0	1	0	0	1	4
18	50%	0%	25%	0%	0%	25%	
19							
20	<b>Number of Illicit Discharges (C.6.e.iii.1.f):</b>						
21	1						
22							
23	<b>Number of Violations Corrected Within 10 Days (C.6.e.iii.1.h)</b>						
24	2	100%					
25							
26	<b>Number of Violations Corrected Within 30 Days (C.6.e.iii.1.i)</b>						
27	0	0%					



Construction Sites  
[Sheet 2 of SCVURPPP Construction Site Inspection Tracking Excel Workbook]

	A	B	C	D
1	Site Name	Site Address	Disturbed Area (Sq. Ft.)	High Priority Site
2	Panoramic Views	Bay Area	47,000	
3	New Development Site	Sunnyvale	40,000	
4				
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# DRAFT TEMPLATE

**Enforcement Response Plan for the Municipal Stormwater Program**  
**Agency [City/County or Flood Control District] \_\_\_\_\_**  
**Dated \_\_\_\_\_**

## Description and Purpose of Enforcement Response Plan

This enforcement response plan (ERP) provides guidance to inspection staff to assist them to take consistent actions needed to achieve effective and timely compliance with the municipality's stormwater ordinance and other enforcement authorities allowed by the local municipal code. The ERP was developed to comply with the following sections of the municipal regional stormwater permit (MRP):

- Industrial and Commercial Site Controls – ERP (Provision C.4.c);
- Illicit Discharge Detection and Elimination – ERP (Provision C.5.b); and
- Construction Site Control – ERP (Provision C.6.b).

As shown in Appendix A these different MRP sections contain similar, but not identical requirements for developing and implementing an ERP. This template integrates the requirements from these three different MRP provisions into one ERP to facilitate consistent enforcement response within the agency.

The selection of an appropriate enforcement action and the escalation of enforcement are based on the seriousness of the violation and the violator's response to the agency's previous attempts to achieve compliance. The ERP includes suggested amounts of time to allow for the correction of violations based on the goal stated in the MRP<sup>1</sup>. The nature of a specific violation may require tailoring of the timeframes for correction and/or the use of temporary measures to promptly address a violation before a permanent solution may be implemented. As required by the MRP, this ERP also describes when it may be appropriate to refer violations to another agency, such as the San Francisco Bay Regional Water Quality Control Board (Water Board), for additional enforcement.

The agency has authority to enforce municipal stormwater control requirements under the following sections of its municipal code:

[Municipal Stormwater Ordinance] \_\_\_\_\_  
[Grading Ordinance] \_\_\_\_\_  
[Public Nuisance] \_\_\_\_\_  
[Code Enforcement] \_\_\_\_\_  
[Other] \_\_\_\_\_

## Types of Enforcement Actions and Their Use

This ERP describes a range of enforcement options available for use to encourage prompt correction of violations and the prevention of conditions that pose a threat to cause future violations. There are administrative and judicial (civil and criminal) remedies in the stormwater ordinance and other parts of the agency's code that provide a range of discretionary options for responding appropriately to a given violation depending on the magnitude of the violation, the duration and history of non-compliance, the good faith efforts of the violator to achieve compliance, and whether the violation may interfere with the agency's compliance with the MRP. The following table lists and describes available enforcement actions, provides examples of their use, and lists suggested time schedules for compliance.

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<sup>1</sup> The MRP states that violations must be corrected in a timely manner with a goal of correction before the next rain event, but not longer than 10 business days after discovery unless agency staff document reasons why a longer period is needed in the agency's database or equivalent

## Enforcement Actions<sup>2</sup> Overview

Enforcement Actions	Use	Examples			Time Schedule to Achieve Compliance
		Industrial/Commercial Business	Illicit Discharge	Construction Site	
<b>Verbal Warning</b>	For <u>threatened violations</u> due to inadequate housekeeping, lack of appropriate BMPs to prevent pollution, or threatened non-stormwater discharges disallowed by MRP.	Inappropriate storage of material out-of-doors that may contribute to pollutants in stormwater during rainfall, such as lids on dumpster being left open.	A wash area is present where washwaters may flow to MS4 based on the configuration, operational procedures, or evidence of a possible discharge.	Lack of an updated erosion control plan that reflects current conditions at a construction site.	Before the next rainfall event, but not longer than 10 business days, unless more timely compliance is feasible or other exceptions apply <sup>3</sup> .
<b>Written Warning/ Notice of Violation</b>	Issue for <u>minor violations</u> or if the response to a verbal warning is inadequate. A written warning may be in the form of a written inspection report, such as a completed Standard Stormwater Facility Inspection Report Form; letter; or checklist that describes violations, expected corrections, and schedule for correction.	Use of best management practices that are almost effective, but do not achieve the maximum extent practicable standard, for the pollutant generating activity they are intended to control.	A non-stormwater discharge that is not specifically allowed by the MRP, but might be if adequate documentation and procedures had been followed to verify the adequate control of pollutants and obtain necessary approvals.	Lack of having a copy of the Stormwater Pollution Prevention Plan at the construction site.	Before the next rainfall event, but not longer than 10 business days, unless more timely compliance is feasible or other exceptions apply <sup>2</sup> .

<sup>2</sup> Where allowed by local municipal code, enforcement actions may include cost recovery for municipal staff time and associated expenses to initiate and track enforcement, conduct recordkeeping, collect and test samples, and verify a return to compliance.

<sup>3</sup> The MRP states that violations must be corrected in a timely manner with a goal of correction before the next rain event, but not longer than 10 business days after discovery unless agency staff document reasons why a longer period is needed in the agency's database or equivalent.

## Enforcement Actions<sup>2</sup> Overview (continued)

Enforcement Actions	Use	Examples			Time Schedule to Achieve Compliance
		Industrial/Commercial Business	Illicit Discharge	Construction Site	
<b>Notice to Comply</b>	Issue for <u>major violations</u> or if the response to written warning is inadequate. A notice to comply may be in the form of a cease and desist order <sup>4</sup> , notice to clean <sup>2</sup> , notice to abate <sup>5</sup> , an administrative citation, or a letter that describes violations, expected corrections, and schedule for correction.	Use of best management practices that are ineffective for the pollutant generating activity they are intended to control.	Discharge of non-stormwater discharges to MS4 that contain soap or other pollutants.	Inadequate use of BMPs to control sediment runoff from a construction site.	Before the next rainfall event, but not longer than 10 business days, unless more timely compliance is feasible or other exceptions apply <sup>2</sup> If more time is needed than provided above, consider issuing a stop work order for construction sites, or requiring the immediate cessation of pollutant or illicit discharge generating activities until long-term remedies may be implemented.
<b>Legal Action</b>	Pursue for the most serious violations including where the response to the notice to comply is inadequate. These types of violations are referred to city attorney or County District Attorney for civil and criminal prosecution.	Lack of use of best management practices for pollutant generating activity, such as storing wastes in a way that allows pollutants to be mobilized by rainfall and stormwater runoff.	Discharge of hazardous wastes to MS4.	Violations that affect the agency's ability to comply with the MRP's requirements.	The time schedule for compliance will need to be determined based on case-specific information. This information will be documented as required by the MRP.

<sup>4</sup> The model stormwater ordinance provides that an authorized enforcement official may issue cease and desist orders and notices to clean.

<sup>5</sup> The model stormwater ordinance provides that any condition caused or permitted to exist in violation of the stormwater ordinance is a nuisance and may be summarily abated and/or restored by any enforcement official.

## **Escalation of Enforcement Actions**

This ERP incorporates a progressive enforcement response policy that is designed to maintain a fair and equitable system for enforcement to ensure that enforcement actions are proportionate to the violations, to provide maximum flexibility and effectiveness of enforcement actions, and to provide a system of escalating enforcement actions to encourage prompt compliance. The stormwater ordinance and other municipal codes allow for a degree of enforcement flexibility and a range of enforcement options that are needed to most efficiently gain compliance. An enforcement action may be upgraded or escalated depending on the circumstances of the case.

## **Joint Compliance Inspections**

In some situations it is appropriate to have joint compliance inspections with other agencies because the nature of the violation or because the violations are ongoing or repeated violations and may benefit from the enforcement options provided by other environmental statutes. Using the results of a joint compliance inspection, the regulatory agencies will be able to decide how to most efficiently achieve compliance.

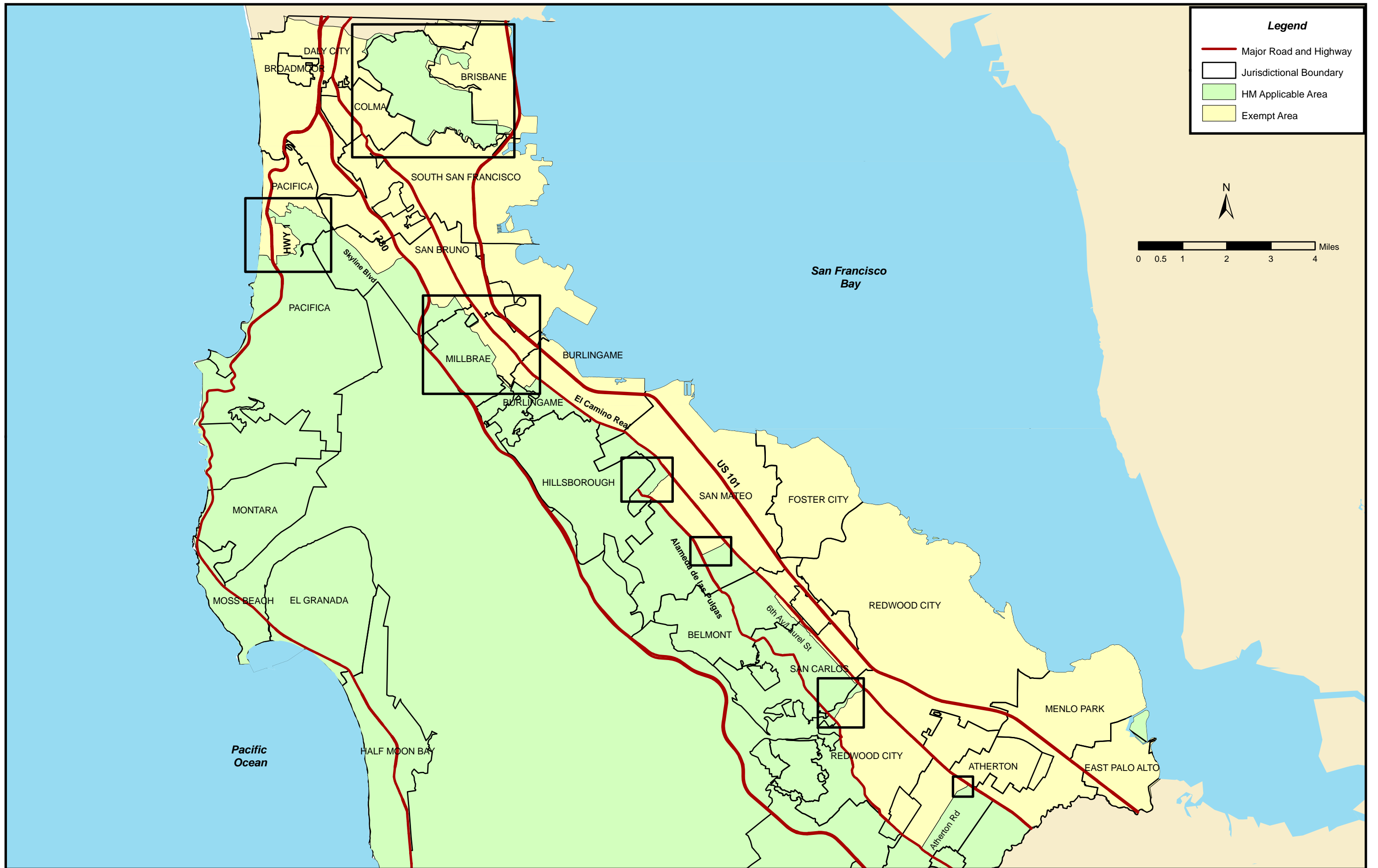
## **Referral to Other Agencies**

The MRP states that where enforcement tools are inadequate, the violations should be referred to the Regional Water Board, district attorney, or other relevant agencies for additional enforcement (Provision C.4.c). The legal enforcement action may include referral to the San Mateo County District Attorney Environmental Crimes Unit. Referrals may also be made to the California Department of Fish and Game and possibly to the U.S. Environmental Protection Agency, if the Regional Water Board staff is unable to provide effective assistance.

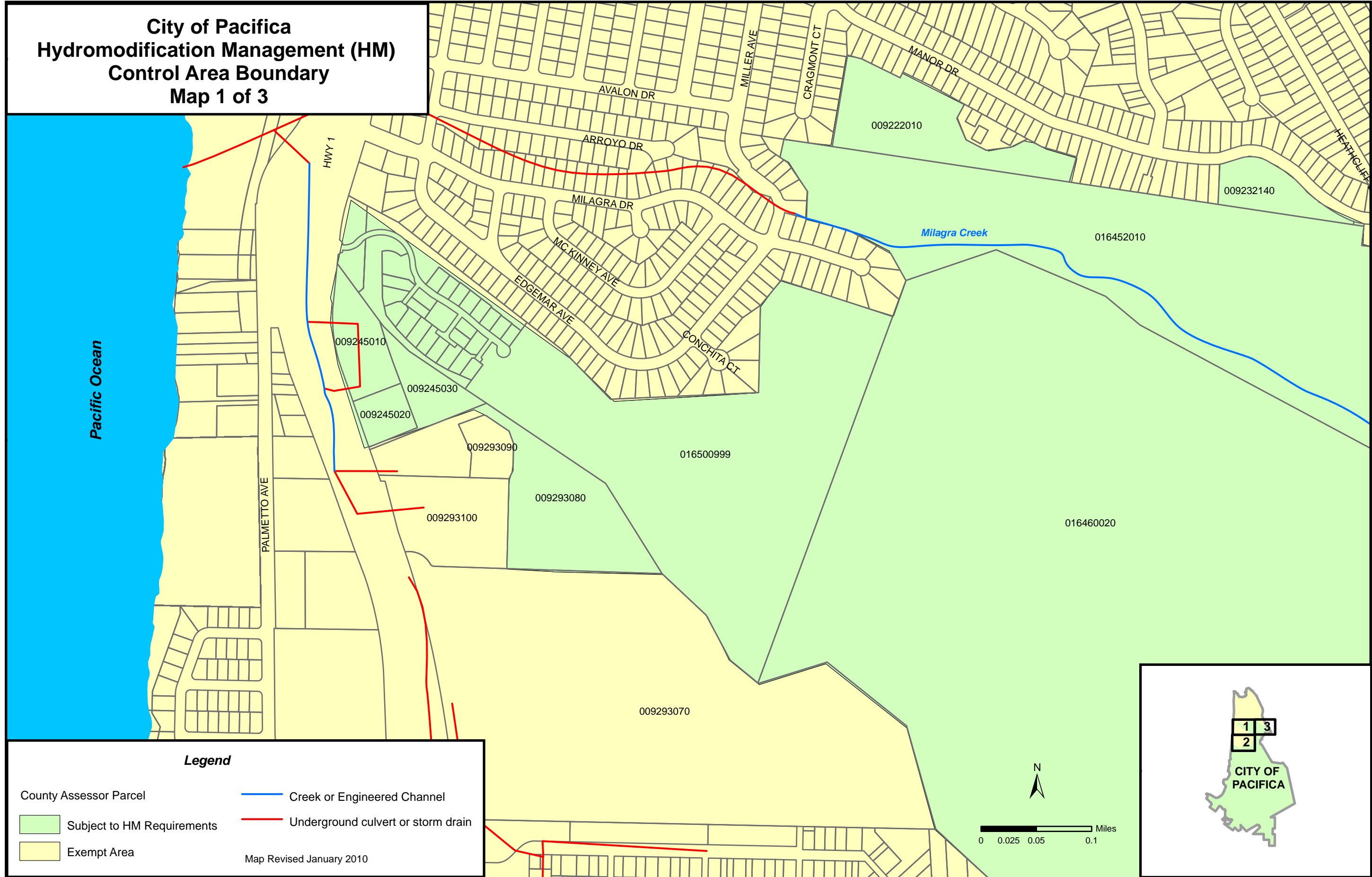
**Appendix A**  
**Comparison of Municipal Regional Stormwater Permit's Enforcement Response Plan Requirements**

Task Description	Provision C.4 Industrial/Commercial	Provision C.5 Illicit Discharge Detection/Elimination	Provision C.6 – Construction Site Control
<b>Overall Description</b>	Develop and implement ERP that serves as <u>inspection staff's</u> reference document to take <u>consistent actions to achieve timely and effective</u> compliance.	Develop and implement an ERP that will serve as guidance for <u>inspection staff</u> to take <u>consistent actions to achieve timely and effective</u> abatement of illicit discharges.	Develop and implement ERP that serves as <u>inspection staff's</u> reference document to take <u>consistent actions to achieve timely and effective</u> compliance. {identical to Prov. C.4)
<b>Required Enforcement Actions/Recommended Responses</b>	<u>Include timeframes for correction of various field violation</u> scenarios and <u>provide guidance</u> on appropriate use of various <u>enforcement tools</u> , such as verbal and written notices, <u>citations</u> , <u>cleanup requirements</u> , <u>administrative</u> and <u>criminal penalties</u> .	<u>Include timeframes for correction of various types and degree of violations</u> . ERP will <u>provide guidelines</u> on when to employ the range of <u>regulatory responses</u> from warnings, <u>citations</u> and <u>cleanup</u> and cost recovery, to <u>administrative</u> or <u>criminal penalties</u> .	<u>Include timeframes for correction of problems for various field violation</u> scenarios.
<b>Timely Correction of Violations</b>	States <u>violations</u> as a <u>goal</u> should be <u>corrected before the next rain event</u> , but <u>no longer than 10 business days after discovery unless reasons are recorded in Permittee's database or equivalent</u> . Include appropriate time periods for each level of corrective action. Describe permittee's procedures for follow up inspections, enforcement actions, and referral to another agency.	<u>Goal of correcting violations before the next rain event but not longer than 10 business days after discovery unless rationale is recorded in database or equivalent</u> . Immediate correction can be temporary and short-term if a long-term, permanent correction will involve significant resources and construction time. An example of replumbing a wash area is described.	All violations must be corrected in a timely manner with <u>goal of correcting them before the next rain event but no longer than 10 business days after the violations are discovered</u> . If more than 10 business days are required for compliance, a <u>rationale</u> shall be <u>recorded in database or equivalent</u> .
<b>Escalation of Enforcement/Referrals</b>	Enforce stormwater ordinances as necessary to achieve compliance. Where enforcement tools are inadequate, <u>refer</u> the case to the Water Board, district attorney or <u>other relevant agencies</u> for additional enforcement.	If corrective actions are not implemented promptly or if there are repeat violations, permittees shall <u>escalate responses</u> as needed to achieve compliance, including <u>referral</u> to <u>other agencies</u> where necessary.	Take <u>progressively stricter responses</u> to achieve compliance. ERP shall include structures for progressively stricter responses & various violation scenarios that evoke progressively stricter responses.

<b>Task Description</b>	<b>Provision C.4 Industrial/Commercial</b>	<b>Provision C.5 Illicit Discharge Detection/Elimination</b>	<b>Provision C.6 – Construction Site Control</b>
<b>Recordkeeping</b>	Maintain adequate records to demonstrate compliance and appropriate follow-up enforcement responses. Lists specific information that should be tracked regarding business inspections; list includes type of enforcement and problem resolution.	All incidents or discharges reported to the complaint/spill system that might pose a threat to water quality shall be logged to track follow up and response through problem resolution. Data collected shall be sufficient to demonstrate escalating responses to repeated problems, and inter/intra-agency coordination, where appropriate. Specific spill and discharge complaint tracking information requirements are listed in Provision C.5.f.ii.	Specific information required for each inspection and problems found and resolved is listed in Provision C.6.e.ii.(4).
<b>Reporting</b>	Lists information for inclusion in the annual report including number and percent of violations resolved within 10 working days or otherwise resolved in a longer but still timely manner. Frequency and types/categories of violations observed. Frequency and type of enforcement. Summary of types of violations by business category.	Number of discharges reported; number of discharges reaching storm drains and/or receiving waters; number and percentage of discharges resolved in a timely manner; and summary of major types of discharges and complaints.	Reporting of inspection results is required in Provision C.6.e.iii. Agencies must report the number and percentage of each type of enforcement action listed in its ERP.
<b>Time Frame for Development and Implementation of ERP</b>	April 1, 2010	April 1, 2010	April 1, 2010



**City of Pacifica  
Hydromodification Management (HM)  
Control Area Boundary  
Map 1 of 3**



REFER TO MAP 2

REFER TO MAP 3



# Changes to Stormwater Quality Control Requirements

Information for Developers, Builders and Project Applicants

DRAFT Revision January 2010

## Why Are New Requirements Needed?

Stormwater runoff from urbanized areas remains the largest source of pollution to San Francisco Bay. Local agencies in urbanized portions of the Bay Area are responsible for controlling stormwater pollution by complying with the new Municipal Regional Stormwater Permit, issued by the State Regional Water Quality Control Board (Water Board) in October 2009.



Rain garden collects and filters parking lot runoff in Brisbane.

## Summary of Requirements

During the development review process, municipalities apply stormwater requirements to projects, as described below. Most requirements are unchanged; new requirements are labeled "New!"

### ⇒ Apply to all projects, as appropriate:

- Source controls to help keep pollutants out of stormwater.
- Construction best management practices (BMPs).
- Site design measures to maximize pervious areas.
- Post-construction treatment measures, to the maximum extent practicable.

### ⇒ Apply based on project size and/or location:

- Projects that create and/or replace 10,000 sq. ft. or more of impervious area require post-construction stormwater treatment measures. For certain land use categories (see back of page), this threshold will drop to 5,000 square feet on December 1, 2011.
- Projects in susceptible areas that create and/or replace one acre, or more, of impervious surface, must include hydromodification management.
- Projects with treatment and/or hydromodification management measures require maintenance agreements.
- New low impact development requirements start on December 1, 2011! See back of page for more information.



Contact the municipality where your project is located for specific applicable requirements.

## Site Design for Water Quality

Site design measures to reduce water quality impacts include:

- Reduce impervious surfaces.
- Minimize stormwater runoff by directing roof runoff to vegetated areas or rainwater cisterns for reuse.
- Direct runoff from impervious surfaces to vegetated areas.

## Source Controls

Source controls prevent potential pollutant sources from contacting rainfall and stormwater. Examples include:

- Roofed trash enclosures.
- Pest-resistant landscaping.
- Sanitary sewer drains for vehicle wash areas (with approval by local sanitary sewer treatment authority).

See SMCWPPP's Source Control Model List at [www.flowstobay.org](http://www.flowstobay.org) (click on "Business," then "New Development.")

## Construction Site Controls

Project sites are required to use construction BMPs, such as:

- Prepare and use sediment and erosion control plans.
- Minimize exposed soil by stabilizing slopes.
- Maintain filter materials at storm drain inlets.

Projects disturbing one acre or more must comply with the Statewide Construction NPDES General Permit, and submit a Notice of Intent to the State Water Resources Control Board. For more information, see <http://www.waterboards.ca.gov/stormwtr/construction.html>.



Vegetated swale collects and filters road runoff in San Bruno.



## Stormwater Treatment Measures

Stormwater treatment measures are engineered systems that remove pollutants before stormwater reaches the storm drain system, and ultimately the ocean or San Francisco Bay. The Municipal Regional Stormwater Permit specifies hydraulic sizing criteria for treatment measures. Examples of treatment measures include:

- Bioretention areas (also called rain gardens),
- Flow-through planters,
- Vegetated swales.

Beginning December 1, 2011, new requirements will limit the use of treatment measures. See “Low Impact Development,” below.



*Ungrouted modular pavers promote infiltration, Redwood City*

## Hydromodification Management (HM)

When land is covered with buildings and pavement, runoff enters creeks at higher rates and volumes, resulting in channel erosion, flooding and habitat loss. Some projects require hydromodification management (HM) measures – detention and/or infiltration combined with special discharge structures – to match pre-project runoff patterns. HM requirements apply if the project creates and/or

replaces one acre or more of impervious surface, AND is located in a susceptible area. You can view a map of susceptible areas and flyer on HM requirements at [http://www.flowstobay.org/bs\\_new\\_development.php](http://www.flowstobay.org/bs_new_development.php).

## Maintaining Treatment and HM Measures

Post-construction treatment measures and HM measures need ongoing maintenance to keep working properly. Applicants must prepare a maintenance plan and sign a maintenance agreement with the applicable local agency.

## Low Impact Development (LID)

**New!**

The goal of low impact development (LID) is to reduce stormwater runoff and mimic the pre-development conditions. The following changes go into effect December 1, 2011, and may affect projects under review:

- Starting December 1, 2011, stormwater treatment will be required for the following categories of projects that create and/or replace 5,000 square feet, or more, of impervious surface:
  - uncovered parking areas (stand-alone or part of another use), restaurants, auto service facilities<sup>i</sup>, and retail gasoline outlets.
- Also starting December 1, 2011, stormwater treatment requirements must be met using evapotranspiration, infiltration, and/or rainwater harvesting and reuse. If this is infeasible, landscape-based treatment (“biotreatment”) is allowed. Criteria to determine infeasibility will be available by May 1, 2011.

## Will New Requirements Affect My Project?

If your permit application was deemed complete before December 1, 2009, and you “diligently pursue<sup>ii</sup>” the project, the new requirements do not apply. If a permit application is deemed complete after December 1, 2009, and final discretionary



*Bioretention area in Daly City collects and filters runoff from adjacent impervious surfaces.*

approval is received before December 1, 2011, the new requirements will not apply. Contact the municipality for project-specific information.

## Contact Information:

- SMCWPPP: 650/363-4305, [www.flowstobay.org](http://www.flowstobay.org) (Click on “Municipalities” for local contacts.)
- Water Board staff: 510/622-2300.

<sup>i</sup> The Municipal Regional Stormwater Permit (MRP) identifies numerous types of auto-related facilities within the category of auto service facilities, based on Standard Industrial Classification (SIC) Codes. The list of SIC codes included in this category, along with the SIC definitions, is provided at [www.flowstobay.org](http://www.flowstobay.org). (Click on “Business,” then “New Development,” then scroll to “New Low Impact Development requirements that may affect projects in development review.”)

<sup>ii</sup> Diligent pursuance may be demonstrated by submitting supplemental information, plans, or other documents needed for project approval.

(3) **Other Redevelopment Projects**

Redevelopment projects that create and/or replace 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial, industrial, residential housing subdivisions (i.e., detached single-family home subdivisions, multi-family attached subdivisions (town homes), condominiums, and apartments), mixed-use, and public projects. Redevelopment is any land-disturbing activity that results in the creation, addition, or replacement of exterior impervious surface area on a site on which some past development has occurred. This category includes redevelopment projects on public or private land that fall under the planning and building authority of a Permittee.

Specific exclusions to this category are:

- Interior remodels.
  - Routine maintenance or repair such as:
    - roof or exterior wall surface replacement, or
    - pavement resurfacing within the existing footprint.
- (a) Where a redevelopment project results in an alteration of **more than 50 percent** of the impervious surface of a previously existing development that was not subject to Provision C.3, the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire redevelopment project).
- (b) Where a redevelopment results in an alteration of **less than 50 percent** of the impervious surface of a previously existing development that was not subject to Provision C.3, only the new and/or replaced impervious surface of the project must be included in the treatment system design (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from the new and/or replaced impervious surface of the project).

**Effective Date** – Immediate, except December 1, 2010, for Vallejo Permittees.

(4) **Road Projects**

Any of the following types of road projects that create 10,000 square feet or more of newly constructed contiguous impervious surface and that fall under the building and planning authority of a Permittee:

- (a) Construction of new streets or roads, including sidewalks and bicycle lanes built as part of the new streets or roads.
- (b) Widening of existing streets or roads with additional traffic lanes.
- (i) Where the addition of traffic lanes results in an alteration of **more than 50 percent** of the impervious surface of an existing street or road that was not subject to Provision C.3, **the entire project, consisting of all existing, new, and/or replaced impervious surfaces, must be included in the treatment system design** (i.e.,

stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire street or road that had additional traffic lanes added).

- (ii) Where the addition of traffic lanes results in an alteration of **less than 50 percent** of the impervious surface of an existing street or road that was not subject to Provision C.3, **only the new and/or replaced impervious surface of the project must be included in the treatment system design** (i.e., stormwater treatment systems must be designed and sized to treat stormwater runoff from only the new traffic lanes). However, if the stormwater runoff from the existing traffic lanes and the added traffic lanes cannot be separated, any onsite treatment system must be designed and sized to treat stormwater runoff from the entire street or road. If an offsite treatment system is installed or in-lieu fees paid in accordance with Provision C.3.e, the offsite treatment system or in-lieu fees must address only the stormwater runoff from the added traffic lanes.
- (c) Construction of impervious trails that are greater than 10 feet wide or are creek-side (within 50 feet of the top of bank).
- (d) Specific exclusions to Provisions C.3.b.ii.(4)(a)-(c) are:
- Sidewalks built as part of new streets or roads and built to direct stormwater runoff to adjacent vegetated areas.
  - Bicycle lanes that are built as part of new streets or roads but are not hydraulically connected to the new streets or roads and that direct stormwater runoff to adjacent vegetated areas.
  - Impervious trails built to direct stormwater runoff to adjacent vegetated areas, or other non-erodible permeable areas, preferably away from creeks or towards the outboard side of levees.
  - Sidewalks, bicycle lanes, or trails constructed with permeable surfaces.<sup>3</sup>
  - Caltrans highway projects and associated facilities.
- (e) For any private road or trail project described by Provisions C.3.b.ii.(4)(b) or (c) for which a planning application has been deemed complete by a Permittee on or before the Permit effective date, the requirements of Provisions C.3.b.ii.(4)(b) or (c) to classify the project as a Regulated Project shall not apply so long as the project applicant is diligently pursuing the project. Diligent pursuance may be demonstrated by the project applicant's submittal of supplemental information to the original application, plans, or other documents required for any necessary approvals of the project by the Permittee. If during the time period between the Permit effective date and the required implementation date of December 1, 2011, for Provisions C.3.b.ii.(4)(b) and (c), the project applicant has not taken

<sup>3</sup> **Permeable surfaces** include pervious concrete, porous asphalt, unit pavers, and granular materials.

any action to obtain the necessary approvals from the Permittee, the project will then be classified as a Regulated Project under Provisions C.3.b.ii.(4)(b) or (c).

- (f) For any private road or trail project with an application deemed complete after the Permit effective date, the requirements of Provisions C.3.b.i.(4)(b) or (c) to classify the project as a Regulated Project shall not apply if the project applicant has received final discretionary approval for the project before the required implementation date of December 1, 2011, for Provisions C.3.b.ii.(4)(b) and (c).
- (g) For any public road or trail project for which funding has been committed and construction is scheduled to begin by December 1, 2012, the requirements of Provisions C.3.b.i.(4)(b) or (c) to classify the project as a Regulated Project shall not apply.

**Effective Date** – Immediate for C.3.b.ii.(4)(a) and (d)-(g), and December 1, 2011, for C.3.b.ii.(4)(b) and (c). For Vallejo Permittees: Immediate for C.3.b.ii.(4)(d)-(g), and December 1, 2011 for C.3.b.ii.(4)(a)-(c).

### iii. Green Street Pilot Projects

The Permittees shall cumulatively complete ten pilot green street projects that incorporate LID techniques for site design and treatment in accordance with Provision C.3.c and that provide stormwater treatment sized in accordance with Provision C.3.d. It is also desirable that they meet or exceed the Bay-Friendly Landscape Scorecard minimum requirements (see [www.BayFriendly.org](http://www.BayFriendly.org)).

- (1) Parking lot projects that provide LID treatment in accordance with Provisions C.3.c and Provision C.3.d. for stormwater runoff from the parking lot and street may be considered pilot green street projects.
- (2) A Regulated Project (as defined in Provision C.3.b.ii) may not be counted as one of the ten pilot green street projects.
- (3) At least two pilot green street projects must be located in each of the following counties: Alameda, Contra Costa, San Mateo, and Santa Clara.
- (4) The Permittees shall construct the ten pilot green street projects in such a manner that they, as a whole:
  - (a) Are representative of the various types of streets: arterial, collector, and local; and
  - (b) Contain the following key elements:
    - (i) Stormwater storage for landscaping reuse or stormwater treatment and/or infiltration for groundwater replenishment through the use of natural feature systems;
    - (ii) Creation of attractive streetscapes that enhance neighborhood livability by enhancing the pedestrian environment and introducing park-like elements into neighborhoods;