



# **QSD/QSP Module 10 Project Closeout**

**Anna Lantin, PE, CPESC**



















# Basis of Termination

**A project may be terminated if any one of the following are satisfied:**

- The permitted construction project is entirely complete
- Construction activities have been suspended (note if you restart the project you will have to re-file for permit coverage)
- The site cannot discharge to waters of the United States (check with your Regional Board)



# Basis of Termination

**A project may be terminated if any one of the following are satisfied (continued):**

- The permitted construction project is now subject to another NPDES Permit that includes the CGP requirements
- The permitted construction property is sold (property ownership has been transferred) prior to project completion
- Other Basis for Termination



# Construction Project is Entirely Complete

- Prior to Termination, the site must meet the following general conditions:
  - Annual Report has been submitted in SMARTS (if required)
  - All elements of the SWPPP are complete
  - There is no potential for construction-related pollutants to be discharged into site runoff
  - Construction materials and waste have been disposed of properly
  - The site is in compliance with all local storm water management requirements
  - A post-construction storm water operation and management plan is in place
  - Final stabilization has been reached



# The Permitted Construction Project is Suspended

- Prior to Termination, the site must meet the following general conditions:
  - Annual Report has been submitted in SMARTS (if required)
  - All elements of the SWPPP have been completed.
  - Construction materials and waste have been disposed of properly
  - All disturbed areas and other areas of potential erosion are stabilized
  - An operation and maintenance plan for erosion and sediment control is in place
  - The site is in compliance with all local storm water management requirements



# Construction Site Cannot Discharge to Waters of the US

- Check with your Regional Board if you want to terminate on this basis.
- If approved by your Regional Board the site must meet one of the following conditions:
  - Annual Report has been submitted in SMARTS (if required)
  - All storm water is retained on site
  - All storm water is discharged to evaporation or percolation ponds offsite



# The Project is now subject to another NPDES Permit

- Annual Report has been submitted in SMARTS (if required)
- Alternate permit must address construction stormwater management
- Must provide WDID
- Must provide date of coverage

# The Construction Project is Sold

- Annual Report has been submitted in SMARTS (if required)
- Prior to Termination, the site must meet the following requirements:
  - NOT must be filed within 90 days of ownership transfer
  - Ownership transfer form completed
  - Certify that the new owner has been notified of permit requirements
  - Provide name, address, telephone number and email address of new owner



# Other Basis for Termination

- Explain any other basis/reasons that are not covered above

# Annual Report

1. Has a SWPPP been prepared by a Qualified SWPPP Developer (QSD) for the construction project?

**YES**      **NO**      If **NO**, Explain:

2. Does the SWPPP include a Construction Site Monitoring Program (CSMP) section/element?

**YES**      **NO**      If **NO**, Explain:

3. Are these documents kept onsite?

**YES**      **NO**      If **NO**, Explain:





# Annual Report: Good Housekeeping

- Were required good site management “housekeeping” measures for construction materials fully implemented on-site?
- Was an inventory of the products used and/or expected to be used conducted?
- Were required good site management “housekeeping” measures for waste management fully implemented on-site?
- Is there a spill response and implementation element of the SWPPP?

# Annual Report: Good Housekeeping

- Were required good site management “housekeeping” measures for vehicle storage and maintenance fully implemented on-site?
- Were required good site management “housekeeping” measures for landscape materials fully implemented on-site?
- Was a list of potential pollutant sources developed?
- Were good site management “housekeeping” measures to control air deposition of site materials and from site operations implemented on-site?



# Annual Report: Non-Storm Water Management

- Were measures to control all non-storm water discharges during construction implemented?
- Were vehicles washed in such a manner as to prevent non-storm water discharges to surface waters or to MS4 drainage systems?
- Were streets cleaned in such a manner as to prevent unauthorized non-storm water discharges from reaching surface waters or MS4 drainage systems?

# Annual Report: Erosion and Sediment Control

- Were required erosion controls fully implemented on your site?
- Were required sediment controls fully implemented on your site?
- Were immediate access roads inspected on a daily basis?





# Annual Report: Run-On and Run-Off Controls

- Was all site run-on and run-off effectively managed?
- If run-on from the surrounding area is believed to contribute to an exceedance of the NALs, was this documented and was the run-on monitored?



# Annual Report: REAP

- Were REAPs developed 48 hours prior to all likely precipitation events (50% or greater probability of producing precipitation)?
- Did the REAPs developed meet the minimum criteria listed in **CGP Attachment D, Section H**?
- Was a phase specific REAP (ex: grading and land development, streets and utilities, vertical construction, final landscaping & site stabilization) prepared for each likely precipitation event?



# Annual Report:

## Inspection, Maintenance and Repair

- Were all site inspections, maintenance, and repairs performed or supervised by a Qualified SWPPP Practitioner (QSP)?
- Were site inspections conducted weekly and at least once each 24-hour period during extended storm events?
- Were post rain event inspections conducted?
- Do your inspection forms/ checklists meet the minimum criteria listed in **CGP Attachment D, Section G.5**?
- During any site inspection, were BMP inadequacies noticed?
- If BMP inadequacies were observed, did BMP repairs/replacement occur within 72 hours?

# Annual Report: Visual Monitoring

- Were all storm water discharges that occurred at all discharge locations observed within 2 business days (48 hours) after each qualifying rain event (producing precipitation of ½ inch or more at the time of discharge)?
- Were all storm water discharges that occurred from storage or containment systems visually observed prior to discharge?
- Were the time, date, and rain gauge reading recorded for each qualifying rain event?
- Within 2 business days (48 hours) prior to each predicted qualifying rain event, were visual inspections conducted in compliance with **CGP Attachment D, Section I.3.e&f**?
- Are all visual inspection records retained on-site?



# Annual Report: Sampling and Analysis

- How many qualifying storm events (producing precipitation of ½ inch or more at the time of discharge) occurred this past reporting year?
- How many qualifying storm events (producing precipitation of ½ inch or more at the time of discharge) were sampled?
- Explain Un-sampled events.
- For the sampled events, did you collect three samples (representative of the flow and characteristics) each day of discharge per qualified event?
- Were grab samples analyzed for pH and turbidity? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)

# Annual Report: Non-Storm Water Discharges

- Were all drainage areas monitored for authorized/ unauthorized non-storm water discharges quarterly? (Complete **Form 2**)
- Did visual observations indicate any authorized/ unauthorized non-storm water discharges?
- Were effluent samples taken of the authorized/ unauthorized non-storm water discharge? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)
- Were the effluent samples sent to a laboratory certified for such analyses by the State Department of Health Services?
- Were unauthorized non-storm water discharges eliminated?

# Annual Report: Non-Visible Pollutant Monitoring

- Were any breaches, malfunctions, leakages, or spills observed during a visual inspection?
- How many potential discharges of non-visible pollutants were identified? \_\_\_\_\_
- For each discharge event (of non-visible pollutants), were samples collected in compliance with **CGP Attachment D, Section I.11.d**? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)
- For each discharge event was a comparison sample collected (uncontaminated sample that did not come into contact with the pollutant)? (Analytical data must be entered in the **RAW DATA** tab in SMARTS)



# Annual Report: Additional Items

- Are you part of a qualified regional watershed-based monitoring program approved by the Regional Water Board?
- Are all records of all storm water monitoring information retained on-site?

# Annual Report: NAL Exceedances

- Were any **Numeric Action Levels (NALs)** exceeded?
  - If no, skip to next section
- Were corrective actions taken to address the NAL exceedances?
  - If yes, fill out Form 3
- Were analytical results from any/all NAL exceedances submitted electronically to the State Water Board no later than 10 days after the conclusion of the storm event?
- Were any NAL Exceedance Reports submitted to the Regional Water Board?

**Now you can work on your  
NOT!**





Please fill in this section where you want the confirmation letter sent to.

Populate Operator/Owner Information

Organization Name:	<input type="text"/>	Contact Person:(First Name)	<input type="text"/>	*
Street Address:	<input type="text"/>	Last Name	<input type="text"/>	*
Line#2:	<input type="text"/>	Title:	<input type="text"/>	
City/ State/ Zip:	<input type="text"/>	CA	<input type="text"/>	*
		Phone:	<input type="text"/>	*(ex:999-999-9999) Ext <input type="text"/>
		Email:	<input type="text"/>	(abc@xyz.com)

## Basis of Termination(Must select one option below)

☐ The construction project is complete and the following conditions have been met.

- All elements of the Storm Water Pollution Prevention Plan have been completed.
- Construction materials and waste have been disposed of properly.
- The site is in compliance with all local storm water management requirements.
- A post-construction storm water operation and management plan is in place.

Date of project completion:   (mm/dd/yyyy) \*☐ Construction activities have been suspended, and the following conditions have been met.☐ temporarily ☐ or indefinitely \*

- All elements of the Storm Water Pollution Prevention Plan have been completed.
- Construction materials and waste have been disposed of properly.
- All denuded areas and other areas of potential erosion are stabilized.
- An operation and maintenance plan for erosion and sediment control is in place.
- The site is in compliance with all local storm water management requirements.

Date of suspension:   (mm/dd/yyyy) \* Expected start up date   (mm/dd/yyyy)☐ Site cannot discharge storm water to waters of the United States (check one).

- ☐ All storm water is retained on site.
- ☐ All storm water is discharged to evaporation or percolation ponds offsite.

☐ Discharge of storm water from the site is now subject to another NPDES general permit or an individual NPDES permit.NPDES Permit No:  \* Date coverage began   (mm/dd/yyyy) \*

CA Storm water Multiple Applications and Report Tracking System - Ver Beta Bld: 10.7.2010.09.00 - Windows Internet Explorer

http://water24.waterboards.ca.gov/smarts\_beta\_test/faces/Enrollment/NotDetails.jsp

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Navigate To:

#### NOTICE OF TERMINATION

Please enter or update the application details completely and submit the application.

WDID:	8 30C353497	Operator	Standard Pacific Corp. 26 Technology Dr Irvine CA 92618	NOTStatus:	In-Preparation
Type:	Construction	Facility:	Tonner Hills Lambert Rd & 57 Fwy Brea CA 92821	NOT Submitted Date:	
				NOT Return Date:	
				NOT Process Date:	

[NOT Form](#) [NOT Attachments](#) [NOT Certify/Review](#) [NOT Status](#) [NOT Print](#) [Back To NOI Summary](#)

Please provide the following details to upload the corresponding files.

Attachment FileType:	<input type="text" value="SWPPP"/>
Attachment Title :	<input type="text"/>
File Description:	<input type="text"/>
If Partial Document, Part No	<input type="text"/> of Total Parts <input type="text"/>
Click "Browse" to locate the file and then click "Upload File"	
File Name	<input type="text"/> <input type="button" value="Browse..."/> <input type="button" value="UpLoad File"/>
Attached files: The following are the current documents related to the NOI. Click on the link to view them.	

Attachment Id	File Type	File Title	File Desc	Doc Part No/Total Parts	UPDATE	DELETE
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Fields marked with \* are mandatory fields.

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<b>Type:</b>	Construction	<b>Facility:</b>	Tonner Hills Lambert Rd & 57 Fwy Brea CA 92821	<b>NOT Submitted Date:</b>	
				<b>NOT Return Date:</b>	
				<b>NOT Process Date:</b>	

[NOT Form](#) [NOT Attachments](#) [NOT Certify/Review](#) [NOT Status](#) [NOT Print](#) [Back To NOI Summary](#)

Before certifying your Notice of Termination, the system must verify that all required sections have been completed. To perform this check, click the button below:

[Perform Completion Check](#)

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NOT Application #:508510

Review History

Review Decision	Date	Status By	Action Date Srt	Review Comments	Notes To Discharger
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Please enter or update the application details completely and submit the application.

WDID: 8 30C353497      Operator: Standard Pacific Corp.  
26 Technology Dr Irvine CA 92618

Type: Construction      Facility: Tonner Hills  
Lambert Rd & 57 Fwy Brea CA 92821

NOT Status: In-Preparation

NOT Submitted Date:

NOT Return Date:

NOT Process Date:

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#### NOT Dates:

Received Date:

Effective Date:

Assigned Date:

ApprovedOrDenied Date:

#### System entry details:

Status	Date	Status By
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To view the modifications made to this record, click on [Audit History](#)

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26 Technology Dr Irvine CA 92618

NOT Status:

In-Preparation

Type: Construction

Facility: Tonner Hills  
Lambert Rd & 57 Fwy Brea CA 92821

NOT Submitted Date:

NOT Return Date:

NOT Process Date:

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#### Print NOT Copy

<a href="#">NOT Approval Letter</a>	Confirmation from the Regional Water Board
<a href="#">NOT Denial Letter</a>	Denial by the local Regional Water Board
<a href="#">NOT Return Letter</a>	NOT submittal is incomplete with reason(s)

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# Methods to demonstrate final stabilization

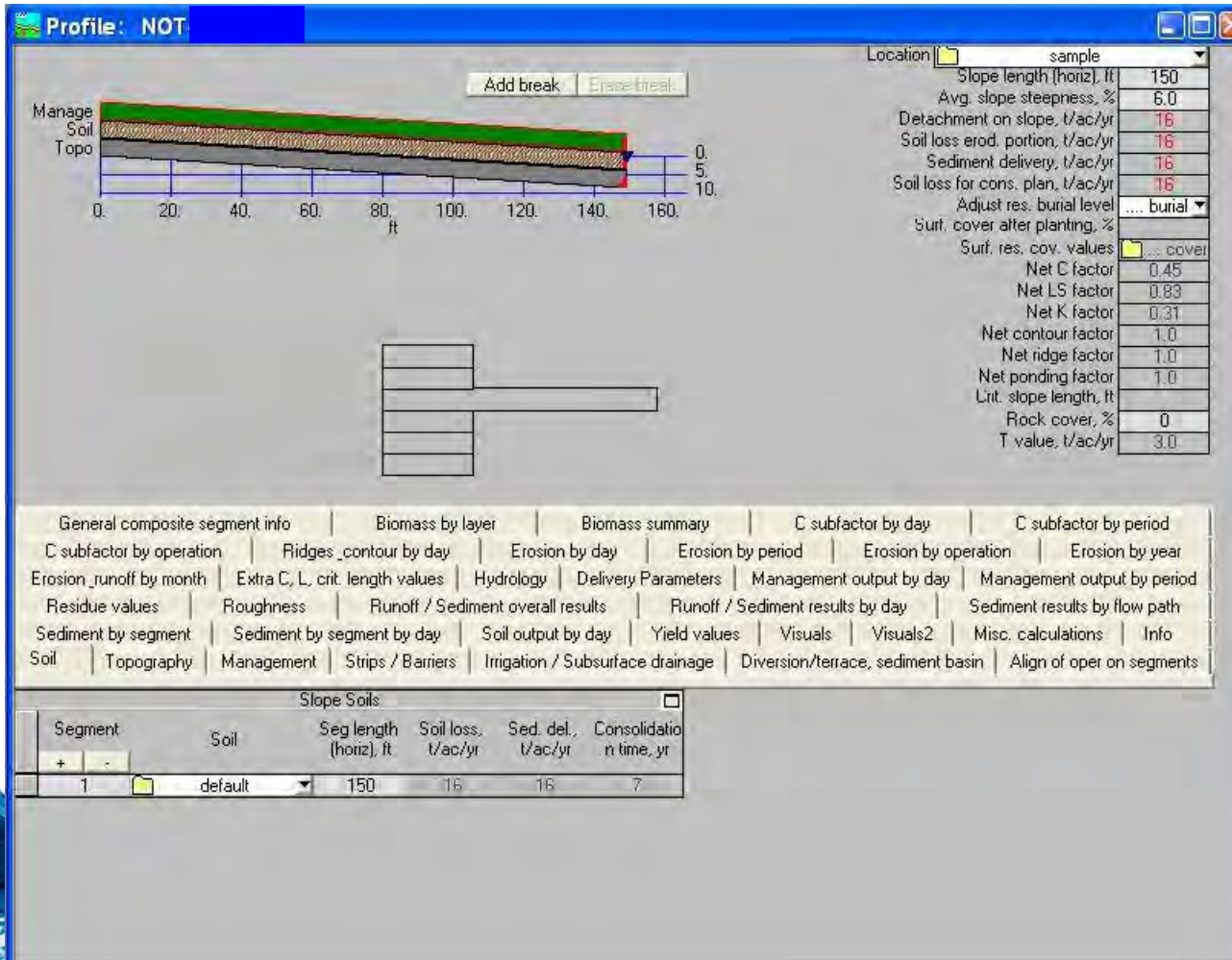
- 70% vegetative coverage
- RUSLE 2 method computational proof
- Custom method



# 70% Vegetative Coverage

- Project applicant must demonstrate 70% vegetative coverage based on pre-project conditions
  - Example: If pre-project vegetative coverage equals 50%,  
standard equals  $0.7 \times 50\%$ , or 35%
- Erosion controls (e.g., blankets) can be used to demonstrate 70% coverage.

# RUSLE 2 method computational proof



Pre- and Post  
Construction  
Soil Loss equals  
16 tons/ac/yr

# Custom method

- Applicant may use site-specific or literature data to show that post-construction turbidity values are equal to or less than pre-construction values.
- Example: Two years of pre-construction water quality sampling data show that turbidity values do not exceed 100 NTU. If post-construction turbidity values are less than or equal to 100 NTU for a similar set of storm conditions, applicant may use these data to demonstrate that project has been stabilized.



# Remember...

- Everybody loves starting projects
- Finishing that last 2% is the hardest part
- Clearly state the contractor's requirements for final stabilization in the contract!
- Get all documentation/SWPPP/inspection records from contractor before demobilization









Stormwater

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# Regional Board Perspective

- Reports
- Enforcement



# Primary Guidance

- Be honest
  - Reporting
  - Communication with RB
- Be responsive
  - Inspection follow up
  - RB requests
- Do your best
  - RB is understaffed: they will go for the low hanging fruit
  - Submit reports on time
  - Don't make yourself, your project, your LRP, or your agency an easy target

# It's a Learning Year

- RB acknowledges that everybody is learning
- Doesn't have to be perfect
- Do your best
- SMARTS is still under construction
  - SB has not provided guidance
  - Dischargers are on their own
  - Example: most dischargers upload NAL exceedance reports under the SWPPP attachment tab. Xavier asks that they be uploaded under the Annual Report tab... see next slide for location



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Navigate To: [Main Menu](#)**SMARTS BETA TEST****Storm Water Adhoc Report Monitoring (SWARM)**

<b>Site Name:</b>	Santa Barbara Tower M23 T6 Slope Stabilization	<b>Owner:</b>	Southern California Edison	<b>WDID:</b>	3 42C3521 23
<b>Report Period:</b>	2010-11	<b>Report Status:</b>	In-Progress	<b>Risk:</b>	Level1

**Annual Report :**[Annual Report](#)**Adhoc Report :**

This section allows you to start/edit an adhoc report.

<b>Event Type:</b>	<input type="text" value="Select"/>	*
<b>Event Start Date/Time:</b>	<input type="text"/>  *	Date in MM/DD/YYYY and Time in HH24:MI format
<b>Event End Date/Time:</b>	<input type="text"/>  *	Date in MM/DD/YYYY and Time in HH24:MI format
<b>Rain fall amount:</b>	<input type="text"/> Inches	
<b>No.of Business days</b>	<input type="text"/> *	
<a href="#">Save Event Report</a>		

**Adhoc Reports**

Event Id	Event Type	Start Date & Time	End Date & Time	Status	Received Date	Remand	Edit	Delete
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**SMARTS BETA TEST****Storm Water Adhoc Report Monitoring (SWARM)**

<b>Site Name:</b>	Solar Photovoltaic Program SPVP 042 Edison Court	<b>Owner:</b>	City of Porterville	<b>WDID:</b>	5F54C359587
<b>Report Period:</b>	2010-11	<b>Report Status:</b>	In-Progress	<b>Risk:</b>	Level1

<b>Event Type:</b>	RAIN EVENT	<b>Event Period:</b>	01/01/2011 - 01/02/2011	<b>Event Status:</b>	In-Progress	<b>No.of Business days:</b>	1
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[General Info](#)[Mon.Locations](#)[Raw Data](#)[Data Summary](#)[Daily Averages](#)[Attachments](#)[Certify](#)[Back to Report Home Page](#)

Please click on Upload Attachment button to upload the corresponding files. [Upload Attachment](#)

**Attached files:** The following are the current documents related to the SWARM Reports. Click on the link to view them.

Attachment Id	File Type	File Title	Date Attached	File Desc	Doc Part No/Total Parts	Delete
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# Quick Enforcement Review

- Informal Enforcement (*Any enforcement action taken by Water Board staff that is not defined in statute or regulation*)
  - Staff Enforcement Letter
  - Notice of Violation
- Formal Enforcement (*Statutorily based to address a violation or threatened violation of water quality laws, regulations, policies, plans, or orders*)
  - Notice to Comply
  - Notice of Stormwater Noncompliance
  - Cleanup and Abatement Order
  - Cease and Desist Order
  - Mandatory Minimum Penalty
  - Administrative Civil Liability



# How will RB use Annual Reports?

- Still developing
  - Back end SMARTS reports are being developed
  - Need to determine how to best organize data
- Inspection Prioritization
  - NAL and NEL exceedances
  - Late reports (sign of bigger problems on site)
  - Multiple exceedances

# Is All Non-Compliance Equal?

- RB will prioritize/rank
  - Housekeeping
  - Reporting
  - Exceedances
- Highest priority is on performance: is sediment leaving your site?

# Does a NO Equal a Violation?

- No!
- Provide thorough explanation in Annual Report template
- Discuss background – what led to the No answer
- Provide solutions that were implemented
- But... no answers are the easiest to check
- So... manage your project well to avoid the NO



# Does a NO Answer Lead to Enforcement?

- Not necessarily
- May lead to inspection or request for further information
- Not likely to lead directly to NOV, 13267, MMP, or ACL
- Provide good information to explain, not to spin
- Will be used to flag issues and trends

# Does a NOV Lead to \$\$ Penalty?

- Sometimes but not always
- NOV response will determine escalation
  - Quality response
  - On time
- RB has discretion to halt the enforcement process
  - Give them justification for not moving forward

# What Form will Enforcement Take?

- Progressive enforcement
  - Late report
  - Letter stating late, defining grace period
  - If not submitted, second letter will be sent defining violation date
  - If not submitted, then will escalate to Notice of Violation or MMP



# How Much will Enforcement Cost?

- First Method for RB to gain compliance: Administrative Process
  - Time to respond
  - Cost to improve onsite operations
  - Cost to improve reporting/administrative
  - Direct fine amount
- If Administrative Route does not succeed: Civil Process via referral District Attorney
  - Legal fees
  - Court appearances
  - Fines
  - Jail time

# Is My LRP Going to Jail?

- Probably not
- How to stay out of jail:
  - Try your best to comply with the CGP
  - Be honest in all reporting documents
  - Be responsive to RB staff directives and communication
- How to go to jail:
  - Ignore RB staff
  - Gross negligence
  - Major discharge

# Annual Report is Public Information

- Public will be able to view Annual Report
- Environmental groups will have teams of staff reviewing Annual Reports
- Perceived “deep pocket” agencies will be a primary target for third party lawsuits



# Keep in Mind...

- ▶ RB staff is limited, and will focus on easy to spot issues
  - Late or missing reports
  - NAL or NEL exceedances
- ▶ RB is learning as well. This winter was a learning period
- ▶ Grandfathering period ends soon. Start preparing grandfathered projects:
  - Risk assessment
  - SWPPP revision (if risk level changes)
  - Effluent monitoring (if risk level changes)
  - Increased reporting

# Take Home Messages

- Respond to RB staff
  - Timely response can reduce or eliminate further enforcement
  - Submit reports on time
- Be honest
  - Don't try to hide problems
- Manage contractors
  - Ensure that contractors are meeting CGP requirements

# Final Words

- Don't leave until you receive your certificate
- You must bring the original course completion letter to the QSD/QSP exam
- Exams are filling up fast – sign up now
- Good luck!!!