

2009 VENTURA COUNTYWIDE MS4 STORMWATER PERMIT

CONSTRUCTION PROGRAM

FREQUENTLY ASKED QUESTIONS

The new Ventura Countywide Municipal Separate Storm Sewer (MS4) National Pollutant Discharge Elimination System (NPDES) Permit (“Permit”) was adopted by the Los Angeles Regional Water Quality Control Board on May 7, 2009, and became effective on August 5, 2009. The new Permit includes changes to our previous permit’s Construction Program requirements. These changes require us to make revisions to our construction permitting and inspection activities. The information below is designed to quickly provide answers to some of the most common questions encountered in deciphering these changes:

Q-1 *What key changes have occurred?*

- **Prescribed *minimally* required BMPs are now mandatory for implementation on each project site.**
See question Q-2 below
- **Construction site post-construction/long-term treatment control devices BMPs must now be inspected on all construction sites prior to approving and/or signing any Certificate of Occupancy (or similar document).**
See question Q-2 below
- **There is a new mandatory requirement to conduct an initial investigation of all Regional Board transmitted complaints within one business day.**
See question Q-2 below
- **All private construction project sites greater than 1 acre must now prepare a *Local SWPPP*, requiring the review and signature of the local jurisdiction.**
See question Q-3 below
- **Construction project sites determined to be *high risk sites* now require implementation of *enhanced practices*, including increased BMP inspection frequencies and additional maintenance requirements.**
See question Q-4 below
- **All jurisdictionally issued construction related permits must now use an electronic tracking system such as a database or GIS system.**
See question Q-5 below
- **A list of specific BMPs for paving and repaving are now required.**
See question Q-6 below

Q-2 Does this Permit change how we conduct construction inspections?

- The Permit continues to require that we inspect all construction sites for the implementation of storm water quality controls a minimum of once during the wet season (October 1 through April 15). However, during these inspections, we must now verify that a minimum set of BMPs are implemented on each site. Depending on the size of the project, these BMPs are as follows:

Construction Sites Less Than 1 Acre:

An effective combination of BMPs from Table 6 (Page 75 of the Permit).

Construction Sites Greater Than 1 Acre But Less Than 5 Acres:

An effective combination of BMPs from Table 7 (Page 76 of the Permit), in addition to the ones identified in Table 6 (Page 75 of the Permit).

Construction Sites 5 Acres and Greater:

An effective combination of BMPs in Table 8 (Page 78 of the Permit), in addition to the ones identified in Table 6 (Page 75 of the Permit) and Table 7 (Page 76 of the Permit).

- We are now required to inspect each construction site for post-construction BMPs, (i.e. – long term source control and treatment control BMPs) to verify that they have been constructed in compliance with all specifications, plans, permits and ordinances, as contained in the Permit. This must be accomplished *prior* to approving or signing off on the site's Certificate of Occupancy or similar document (Page 81, Section 8. (d) of the Permit).
- Upon request of the Regional Board, each jurisdiction is now *required* to initiate within one business day of notification, an initial investigation of complaints (other than non-stormwater discharges) within its jurisdiction. At a minimum, the initial investigation shall include an inspection on the facility and its perimeter to confirm the complaint and determine compliance with local stormwater quality protection codes and ordinances (Page 83, Section 10. (c) of the Permit).

Q-3 What are the SWPPP related requirements of this new Permit?

- **All sites 1 acre or greater in size now require a Local SWPPP, in addition to the General Industrial Permit's SWPPP requirement.***
All projects greater than 1 acre require the preparation and submittal of a Local SWPPP, for jurisdictional review and written approval *prior* to issuance of a grading or construction permit for construction or demolition projects.

* The General Construction Permit SWPPP may be used as the Local SWPPP as long as it meets the same requirements and is modified with the Local SWPPP required approval and signatory information.

- **The Local SWPPP requires review and approval by the local jurisdiction.**

The jurisdiction shall not approve any Local SWPPP unless it contains appropriate site-specific construction site BMPs, specific locations, and maintenance schedules. The jurisdictional approval signature shall be contained within the *first few pages* of the Local SWPPP.

➤ **The Local SWPPP must be justified.**

The Local SWPPP must include the rationale used for selecting or rejecting BMPs for various construction phases and weather conditions. The project architect, or engineer of record, or authorized qualified designee, must sign a statement on the Local SWPPP attesting to its planned effectiveness.

- i. Require for all construction sites 1 acre or greater, compliance with all conditions identified in Tables 6-9, (*Pages 75-79, of the Permit*).
- ii. Require that each landowner or the landowner's agent sign a statement on the Local SWPPP to the effect:

"I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure 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, to the best of my knowledge and belief, the information submitted is true, accurate, and complete. I am aware that submitting false and/ or inaccurate information, failing to update the Local SWPPP to reflect current conditions, or failing to properly and/ or adequately implement the Local SWPPP may result in revocation of grading and/ or other permits or other sanctions provided by law."

Q-4 What are "high risk sites" and what are the specific requirements for sites that are determined to be high risk sites?

- *High risk sites* are defined as those construction sites that are either: (1) located on a hillside with known erosive soil conditions where development will result in grading on any slope that is 20% or greater, (or as designated by jurisdiction), (2) sites *directly discharging* to a water body listed on the Regional Board's "303 (d) list" for siltation or sediment impairment, or, (3) those who are directly adjacent to Environmentally Sensitive Areas ("ESAs").

Directly discharging is defined as: any outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject property, development, subdivision, or industrial facility, and not commingled with flows from adjacent lands. ESAs include *any* 303(d) listing for impairment, or areas where plant or animal life, or their habitat, are either rare or especially valuable for their nature or role, which can easily be disturbed or degraded by human activity (*see Page 112 of the Permit for full ESA definition.*)

- *High risk sites* must implement *enhanced practices* that preclude impacts to water quality including:
 1. Inspection by a Qualified SWPPP Developer or Qualified SWPPP Practitioner or personnel or consultants who are Certified Professionals in Erosion and Sediment Control (CPESC) at the time of BMP installation, at least weekly during the wet season, and at least once each 24 hour period during a storm event that generates runoff from the site, to identify BMPs that need maintenance to operate effectively, that have failed or could fail to operate as intended.
 2. During the wet season, limiting disturbance to areas that can be controlled with an effective combination of erosion and sediment control BMPs. Enhanced sediment controls should be used in combination with erosion controls and should target portions of the site that cannot be effectively controlled by standard erosion controls described above. Effective sediment and erosion control BMPs proposed by the proponent shall include the BMPs listed in Table 9 (*Page 78, of the Permit*). The project proponents are responsible to implement the BMPs listed in Table 9, unless shown unnecessary. The jurisdiction shall require that the project proponent retain records of the inspection and a determination and rationale of the BMPs selected to control runoff.

Q-5 *How may this new Permit change our file tracking procedures?*

- The new Permit requires that each jurisdiction use an electronic system to track all grading permits, encroachment permits, demolition permits, building permits, or any other permit authorizing soil moving and/or construction related activity resulting in the disturbance of soil. To satisfy this requirement, the use of a database or GIS system is *encouraged*, but it is *not required*. (*Page 81, Section 7. (a) of the Permit*).

Q-6 *What about BMPs for paving and repaving operations?*

- The new Permit requires that the following BMPs be implemented for each project if it includes roadbed or street paving, repaving, patching, digouts, or resurfacing roadbed surfaces:
 - (1) Restrict paving and repaving activity to exclude periods of rainfall or predicted rainfall unless required by emergency conditions
 - (2) Install sand bags or gravel bags and filter fabric at all susceptible storm drain inlets and at manholes to prevent spills of paving products and tack coat
 - (3) Prevent the discharge of release agents including soybean oil, other oils, or diesel to the storm water drainage system or receiving waters.
 - (4) Minimize non storm water runoff from water use for the roller and for evaporative cooling of the asphalt

- (5) Clean equipment over absorbent pads, drip pans, plastic sheeting or other material to capture all spillage and dispose of properly
- (6) Collect liquid waste in a container, with a secure lid, for transport to a maintenance facility to be reused, recycled or disposed of properly
- (7) Collect solid waste by vacuuming or sweeping and securing in an appropriate container for transport to a maintenance facility to be reused, recycled or disposed of properly

- (8) Cover the “cold-mix” asphalt (i.e., pre-mixed aggregate and asphalt binder) with protective sheeting during a rainstorm
- (9) Cover loads with tarp before haul-off to a storage site, and do not overload trucks
- (10) Minimize airborne dust by using water spray during grinding
- (11) Avoid stockpiling soil, sand, sediment, asphalt material and asphalt grindings materials or rubble in or near storm water drainage system or receiving waters
- (12) Protect stockpiles with a cover or sediment barriers during a rain