

**Stormwater Enforcement Response Plan (ERP)  
for the Municipal Stormwater Program  
County of San Mateo**

**Planning and Building Department  
and Department of Public Works**

**April 1, 2010**

*(Revised May 17, 2013; September 5, 2019)*

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- A. Implementation Plan

Stormwater Enforcement Response Plan (ERP)  
for the Municipal Stormwater Program  
County of San Mateo  
Planning and Building Department and Department of Public Works  
Date: April 1, 2010  
Revised: May 17, 2013; September 5, 2019

**1.0. Description and Purpose of Enforcement Response Plan**

This section of the County of San Mateo Enforcement Response Plan (ERP) provides guidance to Planning and Building Department and Department of Public Works staff regarding compliance with Provision C.6.b (Construction Site Control) of the National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit (MRP) and implementation and enforcement of the County's Stormwater Ordinance and other applicable water quality regulations. The County of San Mateo (County) performs construction site control inspections for projects that occur within the County road right-of-way, County-owned property, specific easements, and for work completed in connection with a County-issued permit on private property. The Department of Public Works (DPW) performs inspections for work within the County-maintained road right-of-way, on County-owned property, and within easements in which County-maintained utilities reside. The Planning and Building Department (P&B) performs inspections in connection with County-issued permits to private developers or property owners for development on private property. County staff involved in the implementation of the ERP are P&B Building Inspection Section staff, P&B Current Planning Section staff, P&B Code Compliance Section staff, DPW Road Operation Section staff, DPW Construction Management Section staff, and DPW Watershed Protection Section staff.

**NPDES Municipal Regional Stormwater Permit (MRP)**

The ERP was developed to comply with Provision C.6.b of the MRP, which requires monthly inspections during the wet season of all Construction Stormwater Regulated Sites (SWRS), those sites involving one or more acres of land disturbance, hillside projects with  $\geq 20\%$  slope disturbing greater than or equal to 5,000 square feet, and "high priority sites," as determined by the municipality. The MRP sets a goal of correction of a violation before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency's database or equivalent.

**California Ocean Plan General Exception with Special Protections**

The ERP also provides guidance to County staff in the implementation of stormwater regulations set forth in the General Exception to the California Ocean Plan with Special Protections (Special Protections) (State Water Resources Control Board Resolution No. 2012-0012, adopted March 20, 2012). The Special Protections apply stormwater regulations on project sites within watersheds draining to the James V. Fitzgerald Area of Special Biological Significance (ASBS watershed). The ASBS watershed includes areas, as listed below, and specifically shown in the map included as Attachment A:

1. Montara;
2. Moss Beach;
3. Rural areas of Montara and Moss Beach along and north of San Vicente Creek; and
4. Seal Cove and Pillar Point Bluff.

Construction sites within the ASBS watershed that involve soil disturbance and are subject to a building or grading permit are considered SWRS sites and require weekly construction inspections during the wet season. All other SWRS sites require monthly construction inspections during the wet season. As with other SWRS sites, the County has set a goal for correction of a violation before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency's database or equivalent.

It should be noted that this ERP does not pertain to discharges or violations under the authority of the Environmental Health Services Division of San Mateo County. An enforcement response plan for this Division is contained in the Environmental Health Services Division Stormwater Enforcement Response Plan (Originally prepared March 30, 2010; Revised May 13, 2013).

In addition to implementing and enforcing regulations referenced above, the County has authority to enforce municipal stormwater control requirements including, but not limited to, the following:

- Chapter 4.100 of the San Mateo County Ordinance Code, Stormwater Management and Discharge Control
- Chapter 8, Division VII, San Mateo County Ordinance Code, Regulations for Excavating, Grading, Filling and Clearing on Lands
- Local Coastal Program (as amended and effective on September 8, 2012)

## 2.0. Inspection Requirements for SWRS and Documentation During Construction

Provision C.6.b of the MRP requires monthly inspections during the wet season of all construction sites disturbing one or more acres of land, hillside projects with  $\geq 20\%$  slope disturbing greater than or equal to 5,000 square feet, and "high priority sites," as determined by the municipality. These sites are referred to as Construction Stormwater Regulated Sites (SWRS) in this ERP. A subset of the SWRS sites, those construction sites within the ASBS watershed that involve soil disturbance and are subject to a building or grading permit, require weekly inspections during the wet season.

**Construction Stormwater Regulated Site (SWRS)** – ASBS\* project sites require weekly construction inspections during the wet season. All other SWRS sites require monthly construction inspections during the wet season.

**This ERP defines “SWRS” as:**

- A. Any site with land disturbance of 1-acre or more, OR
- B. **Hillside projects** with  $\geq 20\%$  slope disturbing greater than or equal to 5,000 square feet, OR
- C. Any site that is deemed a “**high priority site**.” “High priority sites” involve land disturbance of less than 1-acre on the following site types:
  - 1. All sites where the scope of development or land alteration requires a Grading or Land Clearing Permit
  - 2. Project with land disturbance of:
    - a. 1 sq. ft. or greater within the ASBS watershed\*
    - b. 1,000 sq. ft. or greater for areas within 100 feet of a creek, wetland, or coastline
  - 3. Any public project involving work within a waterway or any private project involving work within a waterway that requires a permit issued by the Planning and Building Department.

This ERP outlines the enforcement response that follows the identification of a violation during required inspections.

## 2.1. Construction Site Inspection Report Form

A Construction Site Inspection Report Form is completed when performing any erosion and sediment control or Provision C.6-related construction site inspection. The form, which may be completed in electronic or triplicate form, is a tool for County Inspectors to describe evaluations of the adequacy of erosion and sediment control measures, the nature of any stormwater violations (e.g., lack of or non-compliant erosion control measures), the weather conditions at that time, the project type, and the scheduled compliance date (as necessary). Once the triplicate form is completed by the Inspector, the form is signed by the on-site project manager or their representative. Then, a copy of the form is provided to the on-site project manager or their representative. The remaining two copies are for administrative use (one is placed in the project file and the other is used for inspection tracking). If the on-site project manager or their representative is not present at the site at the time of the observance of the violation, the Inspector shall post a copy of the Construction Site Inspection Report Form at the site AND mail it to the owner/contractor’s last known home or business address.

### 3.0. Post-Construction Discharges of Stormwater into the ASBS

The Special Protections identify permitted point and non-point source discharges of stormwater into the ASBS, as defined in Section 10.0 (Glossary), but generally prohibit trash and discharges which are not solely composed of stormwater runoff. Any discharge which does not meet the definition of a permitted point or non-point source discharge constitutes a violation of the Special Protections and is subject to this ERP. Post-construction violations within the ASBS watershed are enforced by the Code Compliance Section of the Department in accordance with this ERP.

### 4.0. Types of Violations

The selection of an appropriate enforcement action and the escalation of enforcement activities are based on the seriousness of the violation and the responsible party's response to the County's previous attempt(s) to achieve compliance. Based on MRP requirements, the ERP sets a goal of correction before the next rain event, but no longer than 10 business days after discovery, unless agency staff documents reasons why a longer period is needed. The nature of a specific violation may require tailoring of the time frames 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 State Water Resources Control Board, for external enforcement action.

Table 1 (below) describes the three types of violations and lists examples of each violation type.

<u>Table 1</u> <u>Types of Violations</u>		
<i>Types of Violations</i>	<i>Definition</i>	<i>Examples</i>
<b>Threatened Violations</b>	A violation that <u>has not caused perceptible harm to the environment.</u>	<ul style="list-style-type: none"> <li>- Lack of an updated erosion control plan that reflects current conditions at a construction site</li> <li>- Lack of having a copy of the Stormwater Pollution Prevention Plan (SWPPP) at the construction site</li> <li>- Appropriate BMPs have been installed but BMPs are in need of maintenance (i.e., <u>Silt fence that is filled with sediment that needs to be removed</u>)</li> </ul>
<b>Minor Violations</b>	<p>A violation that <u>has not caused significant environmental harm or public safety concerns, is a first offense, and has resulted because the responsible party was not aware of the requirements.</u></p> <p>A threatened violation may be escalated to a minor violation if the response to the written warning is inadequate.</p>	<ul style="list-style-type: none"> <li>- Lack of appropriate BMPs, where pollution or runoff is contained within the site and does not have the potential to cause additional sedimentation and/or slope instability, such as:</li> <li>- Improper storage of paints, solvents, adhesives</li> <li>- Lack of cover over earth stockpiles</li> <li>- Lack of stabilized construction entrance</li> <li>- Improper installation of BMPs</li> </ul>

<u>Table 1</u> <u>Types of Violations</u>		
<i>Types of Violations</i>	<i>Definition</i>	<i>Examples</i>
<b>Serious Violations</b>	<p>With regard to stormwater, a violation that <u>results in significant environmental harm.</u></p> <p>A serious violation is also a failure by a responsible party to respond to efforts to resolve or abate a violation, a history of violations on the subject property and/or several different properties, or multiple or repeat violations on the subject property.</p>	<ul style="list-style-type: none"> <li>- Illicit discharge of runoff, where runoff is not contained within the site and does have the potential to cause additional sedimentation and/or slope instability</li> <li>- Illicit discharge of pollutants, where pollutants have the potential to enter or have entered a water body (e.g., streets, drainages, streams)</li> </ul>

### 5.0. Roles and Responsibilities

Roles and responsibilities for ERP implementation vary based on type of project and enforcement category, as shown in the table below:

<u>Table 2</u> <u>Roles and Responsibilities</u> <u>for Implementation of ERP</u>			
<i>Project and Enforcement Categories</i>	<i>Enforcement Coordinator (EC)</i>	<i>Enforcement Official (EO)</i>	<i>Inspector</i>
<b><u>Private Projects</u></b>			
Grading and construction associated with a building permit	Building Inspection Manager/NPDES Coordinator	P&B Deputy Director	<u>Building Inspector</u>
Violation of County Code with no associated building permit	Senior Code Compliance Officer	P&B Deputy Director	<u>Code Compliance Staff</u>
Grading or construction within County right-of-way	DPW Road Operations Manager	DPW Deputy Director, Road Services	<u>DPW Road Operations Staff</u>
<b><u>Public Projects</u></b>			
County-managed construction projects (constructed by Contractor) including County Roads, Parks, and Utility/Flood Control infrastructure	DPW Senior Engineer, Construction Management	DPW Principal Engineer, Engineering and Resource Protection	<u>DPW Construction Management and Engineering Staff or qualified consultant</u>
County-managed capital improvement projects (constructed by Contractor) related to County-owned facilities and buildings	DPW, Capital Projects	DPW Deputy Director, Facilities	<u>DPW Capital Projects Staff or qualified consultant</u>

<u>Table 2</u> <u>Roles and Responsibilities</u> <u>for Implementation of ERP</u>			
<i>Project and Enforcement Categories</i>	<i>Enforcement Coordinator (EC)</i>	<i>Enforcement Official (EO)</i>	<i>Inspector</i>
County road maintenance projects at high-priority sites involving construction by DPW Roads Maintenance staff	DPW Senior Engineer, Watershed Protection	DPW Principal Engineer, Engineering and Resource Protection	<u>DPW Watershed Protection Staff or qualified consultant</u>

### 5.1.1. Duties of the Enforcement Official

The role of the Enforcement Official (EO) is to supervise the enforcement response program. The EO is typically a management employee for their respective department or division. The EO will vary based on the type of project and enforcement category, as shown in Table 2 above.

### 5.1.2. Duties of the Enforcement Coordinator

The primary role of the Enforcement Coordinator (EC) is to ensure that the ERP is followed in a timely and consistent manner. The staff positions that serve as EC depend on the project type and enforcement categories identified in Table 2. The EC's primary role is to track compliance issues and schedules. To achieve compliance, the EC conducts the following duties:

- a. Reviews violations when the Inspectors have had no success in obtaining compliance using Enforcement Levels 1, 2, and/or 3, to determine whether escalation beyond the standard enforcement level progression is appropriate per Section 7.0 and authorizes use of Enforcement Level 4 (e.g., legal action, resolution at owner's expense, or referral to other agencies).
- b. Ensures that compliance actions taken are consistent and timely.
- c. Coordinates and moderates compliance meetings and the preparation of compliance schedules.
- d. Reviews compliance reports and schedules to ensure that appropriate enforcement actions are taken and compliance goals are met.
- e. Works with NPDES Coordinator to compile compliance reports for their Section for the annual report to the Water Board.
- f. Communicates and coordinates with State and Federal agencies and the Office of the County Counsel.

### 5.1.3. Duties of the Inspector

- a. Conducts site inspections and reviews documentation to identify discharge violations.
- b. Issues Verbal and Written Warnings to responsible parties.

- c. Reviews compliance history reports and prepares compliance reports.
- d. Enters all inspection reports and enforcement actions into Permit Plan and Provision C.6 construction inspection tracking database.
- e. Escalates enforcement using the standard enforcement level progression, as shown in the Standard Enforcement Level Progression Flow Chart (Attachment B).
- f. Assists in the preparation and running of compliance meetings. Reviews compliance meeting schedules and ensures that deadlines are being met.
- g. Verifies responsible party has responded, in a timely manner, to Verbal and Written Warnings, compliance meetings, and other enforcement actions.

## 6.0. Types of Enforcement Actions and Their Use

This ERP describes a range of enforcement options available for use to encourage the responsible party to promptly correct any violations and to prevent conditions that pose a threat or cause future violation(s). This section provides guidance to Enforcement Coordinators to choose the appropriate enforcement action when enforcement for a given violation is escalated beyond the standard enforcement level progression, based on the magnitude of the violation, the duration and history of non-compliance, the good faith efforts of the responsible party to achieve compliance. The range of enforcement actions applicable to Threatened, Minor and Serious stormwater violations includes the following:

- a. Written Warning: Written warnings (Enforcement Level 1) by the Inspector are applicable to threatened violations. A written warning should be accompanied by a copy of the Construction Site Inspection Form for documentation.
- b. Notices, Fines, Orders and Citations: A completed Construction Site Inspection Report Form is necessary for any enforcement action. Enforcement actions include issuance of the following documents and, potentially, recordation of such documents on the deed of the subject property:
  - “Notice to Comply” and “Notice of Code Violation” (Enforcement Level 2) are used by Inspectors for all minor violations on sites. A “Notice to Comply” consists of the Construction Site Inspection Report Form with the Notice to Comply field checked. In addition to a “Notice to Comply,” a “Notice of Code Violation” may be issued if the violation involves the Code Compliance Section. It notifies owners and/or contractors of municipal code violations, including Stormwater Management and Discharge Program violations (Section 8605.1).
  - “Stop Work Notice (SWN)” (Enforcement Level 3) is used by P&B and DPW Inspectors for all serious violations on sites to require the immediate cessation of all site work, including pollutant or illicit discharge generating activities, except what is necessary for public safety as determined by the EO or to correct the violation(s) to the satisfaction of the EO. For County road maintenance projects and County-managed construction projects including County Roads, Parks, and Utility/Flood Control infrastructure projects and Capital Improvement Projects in relation to County-maintained facilities and buildings, the EO and/or Director of Public Works will not reauthorize continued construction until compliance, as outlined in the

SWN, has been confirmed by the Inspector. For these DPW projects, progression to Enforcement Level 4 is not applicable.

- “Notice of Serious Violation (NSV)” (Enforcement Level 3) is used by the Code Compliance Section to describe the details of the violation(s) on the property. The basis for determining that a serious violation exists is pursuant to Section 6596.1(c) of Zoning Regulations, and the proposed administrative fine for such violation is determined in accordance with Section 6596.5 or 6596.6, as appropriate.

c. Administrative Action with Cost Recovery, Legal Action, or Referral to Other Agencies:

- Resolution of the Violation by the County at the Expense of the Property Owner (Enforcement Level 4) may be pursued for emergency purposes for the most serious violations in order to prevent/minimize further illicit discharge (i.e., in the instance of illicit discharge to a storm drain inlet). The property owner will be charged for staff time, equipment, and materials used in these efforts.
- Referral to Other Agencies or Legal Action (Enforcement Level 4) may be pursued for serious violations, including where the response to previous enforcement actions is inadequate. The MRP states that when all other enforcement tools have been exhausted, the violations *should* be referred to the State Water Resources Control Board. Violations may be referred to the Office of the County Counsel, District Attorney, or other relevant agencies for additional enforcement without exhaustion of other enforcement tools.

The following table lists and describes available enforcement actions by violation type, documentation and specified time schedules for compliance.

<b>Table 3</b> <b>Enforcement Actions, Documentation Types, and Time Schedules for Compliance</b>			
<i>Violations</i>	<i>Types of Enforcement Actions</i>	<i>Documentation</i>	<i>Time Schedule to Achieve Compliance</i>
<b>Threatened Violations</b>	Written Warning (Enforcement Level 1)	<u>Construction Site Inspection Report Form</u>	Re-inspection to confirm compliance required before the next rainfall event, but no longer than <i>10 business days</i> , unless more timely compliance is feasible or other exceptions apply. If not in compliance, escalate to Enforcement Level 2.
<b>Minor Violations</b>	Written Notice (Enforcement Level 2)	<u>Construction Site Inspection Report Form</u> with Notice to Comply field checked  AND  <i>For Non-BLD cases and Non-DPW cases: <u>Notice of Code Violation</u></i>	Re-inspection to confirm compliance required before the next rainfall event, but no longer than <i>10 business days</i> , unless more timely compliance is feasible or other exceptions apply. If not in compliance, escalate to Enforcement Level 3.

<b>Table 3</b> <b>Enforcement Actions, Documentation Types, and Time Schedules for Compliance</b>			
<i>Violations</i>	<i>Types of Enforcement Actions</i>	<i>Documentation</i>	<i>Time Schedule to Achieve Compliance</i>
<b>Serious Violations</b>	Written Notice (Enforcement Level 3)	<u>Construction Site Inspection Report Form</u>  AND one of the following:  <i>For Building and DPW cases:</i> <u>Stop Work Notice (SWN) with fines</u>  <i>For all other cases:</i> <u>Notice of Serious Violation (NSV) and Administrative Fines</u>	Re-inspection to confirm compliance required before the next rainfall event, but no longer than <i>10 business days</i> , unless more timely compliance is feasible or other exceptions apply. If not in compliance, escalate to Enforcement Level 4.
<i>(For private projects only)</i> <b>Serious violations including where the response to previous enforcement actions is inadequate</b>	<i>One or a combination of the following.</i> (Enforcement Level 4)  a. Legal Action  b. Resolution at Owner's Expense  c. Referral to Other Agencies	Letter from District Attorney  Letter from Director of Planning and Building or Director of Public Works  Letter of Referral to State Water Resources Control Board (only when all other enforcement tools have been exhausted)	The time schedule for compliance will need to be determined and documented based on case-specific information.
Notes: (1) All written enforcement actions should describe the violation, expected corrections, and schedule for correction. (2) When considering the type of enforcement action to be taken, standard actions are listed in this table and may be further escalated as necessary to provide the most effective method to abate the violation. (3) In emergency situations, the County may install measures to prevent/minimize further illicit discharge at the expense of the property owner. (4) Enforcement Level 4 is not applicable to County road maintenance projects and County-managed construction projects including County Roads, Parks, and Utility/Flood Control infrastructure projects and Capital Improvement Projects in relation to County-maintained facilities and buildings.			

### 6.1.1. Time Schedule to Achieve Compliance

As required by the MRP, all violations must be corrected in a timely manner with the goal of correcting them before the next rain event but *no longer than 10 business days* after the violations are discovered. If more than 10 business days are required for compliance and an extension for compliance is granted (authorized by the EC or EO), a rationale shall be recorded in the case file or electronic database. Otherwise, enforcement action shall be escalated immediately after a failed follow-up inspection to the next enforcement level per the Standard Enforcement Level Progression Flow Chart (Attachment B) and Section 7.0.

### 7.0. Internal Escalation of an Enforcement Action

The MRP requires municipalities to take progressively stricter responses to achieve compliance if site owners/operators do not implement appropriate corrective actions in the time frame specified, or if violations repeat. This ERP incorporates an 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 and effective, and to provide a system of escalating enforcement actions to encourage prompt compliance.

Table 3 (*Enforcement Actions, Documentation Types, and Time Schedules for Compliance*) of this ERP lists the types of violations, including Threatened Violations, Minor Violations, and Serious Violations, along with the appropriate enforcement action. When considering the type of enforcement action to be taken, Table 3 and the Standard Enforcement Level Progression Flow Chart (Attachment B) serve as guidance.

In some cases, escalated enforcement over the standard may be necessary. When an enforcement action is escalated beyond the standard enforcement level progression, written documentation will detail the reasons for the increased enforcement action. The five criteria for evaluating the degree of non-compliance are:

a. Magnitude of the Violation

Generally, an isolated instance of non-compliance can be met with an enforcement response listed in Table 3. However, even an isolated violation may threaten public health and the environment or damage public and/or private property. The enforcement response to this type of violation may be escalated to: (1) mitigate the violation immediately, (2) prevent a reoccurrence of violation(s), (3) provide an appropriate level of follow-up and (4) provide for cost recovery as appropriate.

b. Duration of the Violation

Violations (regardless of severity) that continue over prolonged periods of time will subject the responsible party to escalated enforcement actions. The County's response will be to prevent extended periods of non-compliance from recurring.

c. Effect of the Violation on the Receiving Water

One of the primary objectives of the County's Stormwater Management and Discharge Program and the California Ocean Plan is to prevent pollutants from entering waters of the State. Consequently, any violation that results in significant environmental harm will be met with an escalated enforcement response. A minimum response to these types of violations would be a Stop Work Notice (SWN) or a Notice of Serious Violation (NSV). In emergency situations, the County may choose to install measures to prevent/minimize further illicit discharge at the expense of the property owner (i.e., in the instance of illicit discharge to a storm drain inlet). In addition, the County may pursue civil action to recover from the responsible party any fines and penalties paid.

d. Compliance History

When evaluating the level of enforcement action to be taken for a violation, the last twelve months compliance history of the responsible party shall be reviewed. If a pattern of recurring violations is noted, then an escalated enforcement action may be warranted. As an example: if two verbal warnings have been issued in the past twelve months for minor discharge violations, and the responsible party has another violation at the same level, then the appropriate enforcement action should be to escalate to a Stop Work Notice (SWN) or a Notice of Serious Violation (NSV).

e. Good Faith Effort

The responsible party's "good faith" effort in correcting its non-compliance is a factor in determining which enforcement action to take. "Good faith" may be defined as the responsible party's honest intention to remedy its non-compliance, coupled with actions that give support to this intention. However, "good faith" does not eliminate the necessity of an enforcement action. The Enforcement Coordinator shall use their best judgment in selecting the appropriate level of enforcement action in the event of "good faith efforts."

7.1. Follow-Up Inspections

As a result of any violation, there is a need to perform follow-up inspection(s) to verify that the violation has been corrected. The facility will be re-inspected on the scheduled compliance date or shortly thereafter to confirm that compliance is achieved (see Table 3 for Time Schedules for Compliance). Additional enforcement actions and inspections shall be conducted until the violation is corrected.

7.2. Serious Violation: When to Escalate to Enforcement Level 4

Legal action may be pursued for the most serious violations including where the response to previous enforcement actions is inadequate. The MRP states that where municipal enforcement tools are inadequate, the violations should be referred to the Office of the County Counsel, or other relevant agencies for additional enforcement. The legal enforcement action may also include referral to the San Mateo County District Attorney Environmental Crimes Unit. Referrals may also be made to the California Department of Fish and Wildlife and possibly to the U.S. Environmental Protection Agency. Referral of the violation to the State Water Resources Control Board (Water Board) is only appropriate when all other enforcement tools have been exhausted.

*State Water Resources Control Board Referral Contact:*

Cecil Felix, Inspector  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100  
[cfelix@waterboards.ca.gov](mailto:cfelix@waterboards.ca.gov)  
510/622-2343

8.0. Administrative Fines

8.1.1. Determination of Fines

a. Violations Associated with a Building Permit

If a Stop Work Notice (SWN) is issued, a SWN will be posted at the address of the violation(s) and a \$500.00 per day fine will be applied to the owner(s) and/or address in violation, per Section 9015 of the San Mateo County Ordinance Code.

b. Violations in the Public Right-of-Way

Per Section 1483 of the California Streets and Highways Code, the County may impose fines of up to \$350 per day for each day that the violation persists. The County may also seek reimbursement of costs it incurred to abate a violation, including labor, materials and equipment costs.

c. Violations not Associated with a Building Permit and not in the Public Right-of-Way

Per Section 6596.6 (*Amount of Fine - Other*) of the Zoning Regulations: (1) the maximum fine shall be one hundred dollars (\$100.00) for the first day, and twenty-five dollars (\$25.00) per day for each calendar day thereafter, that the violation exists on the property after the effective date of the notice of violation through to its abatement; or (2) in the event that the use or structure in violation may be permitted with an appropriate permit, and the owner obtains the required permit, up to a maximum of five times the amount of the standard fee for such permit.

The determination of fines shall be made in the first instance by the Community Development Director. Such determination shall take into account the following:

1. The facts and circumstances of the violation including, but not limited to, the length of time the violation has existed;
2. The culpability of the responsible party or the willfulness of the violation;
3. Attempts, if any, to comply with the applicable ordinances;
4. The time necessary to abate the violation; and
5. Any other information relevant to a determination of fines to be imposed.

In making a determination of the fines to be imposed, the Community Development Director shall consider any information submitted by the responsible party. In the event that the Community Development Director determines that the violation was not caused by or with the knowledge of the responsible party who received the violation, the fine will be eliminated. In the event the Director determines that correction of the violation is not feasible, and the violation does not present a threat to public health or safety, the Director shall eliminate the fine.

The determination of fines shall be made, and a Notice of Determination of Fines shall be sent by certified mail or personal service by a peace officer to the responsible party upon which the fine has been imposed.

d. Violations Associated with DPW County-Managed Projects

If deficiencies are noted during a monitoring site visit, and they are not corrected before the follow-up monitoring visit, the costs associated with additional follow-up visits to correct the noted deficiencies shall be deducted from the final payment of the contract work. These costs shall be in addition to any liquidated damages that may be assessed for water pollution control measures that are not installed prior to contract work.

## 9.0. Glossary

ASBS: Area of Special Biological Significance. The James V. Fitzgerald ASBS is the only ASBS in the County of San Mateo.

ASBS Watershed: All areas draining to the James V. Fitzgerald Area of Special Biological Significance. The ASBS watershed is protected by stormwater regulations set forth in the General Exception to the California Ocean Plan with Special Protections (Special Protections) (State Water Resources Control Board Resolution No. 2012-0012, adopted March 20, 2012). This watershed includes areas, as listed below, and specifically shown in the map included as Attachment A.

1. Montara;
2. Moss Beach;
3. Rural areas of Montara and Moss Beach along and north of San Vicente Creek; and
4. Seal Cove and Pillar Point Bluff.

Citation: A triplicate form used by the Code Compliance Section to require the responsible party to make a mandatory court appearance, with schedule for violation correction and appropriate fines to be determined by a judge.

Construction Site: Any project, including projects requiring coverage under the General Construction Permit, that involves soil disturbing activities including, but not limited to, clearing, grading, paving, disturbances to ground such as stockpiling, and excavation. Construction sites are all sites with disturbed or graded land area not protected by vegetation, or pavement, that are subject to a building or grading permit.

Construction Site Inspection Report Form: Electronic or hard copy form used by the Enforcement Coordinator to document violations found upon inspection for Minor and Serious Violations. Once completed by the Enforcement Coordinator, one copy is given to the responsible party or on-site representative, one copy is filed in the case file, and one copy is given to the Enforcement Official.

Construction Stormwater Regulated Site (SWRS): Please reference definition on page 3 of this ERP.

Correction Notice: Used by the Building Inspection Section for all minor violations on sites. Issuance of a Correction Notice results in the immediate stoppage of Department building inspections until violation(s) are corrected to the satisfaction of the Department.

Enforcement Coordinator (EC): The EC's primary role is to identify violations in a timely manner and track compliance issues and schedules. To achieve compliance, the EC conducts site inspections and reviews documentation to identify discharge violations; issues Verbal and Written Warnings to responsible parties; and reviews compliance history reports. The EC differs depending on the type of violation, as outlined in Table 2 of this ERP.

Enforcement Official (EO): The role of the EO is to supervise the enforcement response program. The managers of the Building Inspection Section and Code Compliance Section are the EOs for their respective sections. To achieve compliance, the Enforcement Official performs duties including, but not limited to, the following: (1) reviews violations when the Enforcement Coordinator (EC) has had no success in obtaining

compliance and makes a final determination on the level of enforcement to take; (2) reviews compliance reports and schedules to ensure that appropriate enforcement actions are taken and compliance goals are met; and (3) communicates and coordinates with State and Federal agencies and the Office of the County Counsel.

Erosion Control Inspection: An inspection to determine compliance status and to identify practices, which may lead to non-compliance. Projects involving a grading permit AND located within the ASBS watershed require weekly construction inspections during the wet season. All other SWRS sites require monthly construction inspections during the wet season per Provision C.6 of the MRP. A Building Inspector may perform an Erosion Control Inspection during a regularly scheduled building inspection at an additional cost to the applicant.

High Priority Site Project: "High priority sites" involve land disturbance of less than 1-acre on the following site types:

1. All sites where the scope of development or land alteration requires a Grading or Land Clearing Permit
2. Project with land disturbance of:
  - a. 1 sq. ft. or greater within the ASBS watershed\*
  - b. 1,000 sq. ft. or greater for areas within 100 feet of a creek, wetland, or coastline
3. Any public project involving work within a waterway or any private project involving work within a waterway that requires a permit issued by the Planning and Building Department.

Hillside Project: A project located on a slope that has an incline or decline of 20% or greater and disturbs greater than or equal to 5,000 square feet.

Illicit Discharge: Any discharge to a municipal separate storm sewer (storm drain) system (MS4) that is prohibited under local, State, or Federal statutes, ordinances, codes, or regulations. The term *illicit discharge* includes all non-stormwater discharges not composed entirely of stormwater and discharges that are identified under Section A (Discharge Prohibitions) of the MRP. The term illicit discharge does not include discharges that are regulated by an NPDES Permit (other than the NPDES Permit for discharges from the MS4) or authorized by the Regional Water Board Executive Officer.

National Pollutant Discharge Elimination System (NPDES) Coordinator: P&B staff person who coordinates departmental compliance with NPDES requirements and represents the municipality in Countywide coordination meetings.

Permitted Non-Point Source Discharges of Stormwater (from Special Protections):

- a. Existing non-point source waste discharges are allowed into an ASBS only under the following conditions:
  - (1) The discharges are authorized under waste discharge requirements, a conditional waiver of waste discharge requirements, or a conditional prohibition issued by the State Water Board or a Regional Water Board.

- (2) The discharges are in compliance with the applicable terms, prohibitions, and special conditions contained in these Special Protections.
  - (3) The discharges:
    - (i) Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
    - (ii) Are designed to prevent soil erosion;
    - (iii) Occur only during wet weather;
    - (iv) Are composed of only stormwater runoff.
- b. Discharges composed of stormwater runoff shall not alter natural ocean water quality in an ASBS.
- c. The discharge of trash is prohibited.
- d. Only existing non-point source waste discharges are allowed. “Existing non-point source waste discharges” are discharges that were ongoing prior to January 1, 2005. “New non-point source discharges” are defined as those that commenced on or after January 1, 2005. A change to an existing non-point source discharge, in terms of relocation or alteration, in order to comply with these special conditions, is allowed and does not constitute a new discharge.
- e. Non-stormwater discharges from non-point sources (those not subject to an NPDES Permit) are prohibited except as provided below:
- (1) The term “non-stormwater discharges” means any waste discharges that are not composed entirely of stormwater.
  - (2) The following non-stormwater discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, slope stability, or occur naturally:
    - (i) Discharges associated with emergency firefighting operations.
    - (ii) Foundation and footing drains.
    - (iii) Water from crawl space or basement pumps.
    - (iv) Hillside dewatering.
    - (v) Naturally occurring groundwater seepage via a storm drain.
    - (vi) Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.
  - (3) Authorized non-stormwater discharges shall not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan nor alter natural ocean water quality in an ASBS.<sup>1</sup>
- h. All other non-point source discharges not specifically authorized above are prohibited.

*Permitted Point Source Discharges of Stormwater (from Special Protections)*

<sup>1</sup> Sections 3.a(3)(iv).f and g of Special protections are not included as they do not pertain area within the County’s jurisdiction.

- a. Existing stormwater discharges into an ASBS are allowed only under the following conditions:
  - (1) The discharges are authorized by an NPDES Permit issued by the State Water Board or Regional Water Board;
  - (2) The discharges comply with all of the applicable terms, prohibitions, and special conditions contained in these Special Protections; and
  - (3) The discharges:
    - (i) Are essential for flood control or slope stability, including roof, landscape, road, and parking lot drainage;
    - (ii) Are designed to prevent soil erosion;
    - (iii) Occur only during wet weather;
    - (iv) Are composed of only stormwater runoff.
- b. Discharges composed of stormwater runoff shall not alter natural ocean water quality in an ASBS.
- c. The discharge of trash is prohibited.
- d. Only discharges from existing stormwater outfalls are allowed. Any proposed or new stormwater runoff discharge shall be routed to existing stormwater discharge outfalls and shall not result in any new contribution of waste to an ASBS (i.e., no additional pollutant loading). "Existing stormwater outfalls" are those that were constructed or under construction prior to January 1, 2005. "New contribution of waste" is defined as any addition of waste beyond what would have occurred as of January 1, 2005. A change to an existing stormwater outfall, in terms of relocation or alteration, in order to comply with these special conditions, is allowed and does not constitute a new discharge.
- e. Non-stormwater discharges are prohibited except as provided below:
  - (1) The term "non-stormwater discharges" means any waste discharges from a municipal separate storm sewer system (MS4) or other NPDES Permitted storm drain system to an ASBS that are not composed entirely of stormwater.
  - (2) (i) The following non-stormwater discharges are allowed, provided that the discharges are essential for emergency response purposes, structural stability, slope stability or occur naturally:
    - (a) Discharges associated with emergency firefighting operations.
    - (b) Foundation and footing drains.
    - (c) Water from crawl space or basement pumps.
    - (d) Hillside dewatering.
    - (e) Naturally occurring groundwater seepage via a storm drain.
    - (f) Non-anthropogenic flows from a naturally occurring stream via a culvert or storm drain, as long as there are no contributions of anthropogenic runoff.

- (ii) An NPDES permitting authority may authorize non-stormwater discharges to an MS4 with a direct discharge to an ASBS only to the extent the NPDES permitting authority finds that the discharge does not alter natural ocean water quality in the ASBS.
- (3) Authorized non-stormwater discharges shall not cause or contribute to a violation of the water quality objectives in Chapter II of the Ocean Plan nor alter natural ocean water quality in an ASBS.

Pollutants of Concern: Pollutants that impair water bodies listed under CWA Section 303(d), pollutants associated with the land use type of a development, including pollutants commonly associated with urban runoff. Pollutants commonly associated with stormwater runoff include, but are not limited to, total suspended solids; sediment; pathogens (e.g., bacteria, viruses, protozoa); heavy metals (e.g., copper, lead, zinc, and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers); oxygen-demanding substances (e.g., decaying vegetation and animal waste) litter and trash.

Responsible Party: Person(s) who have conducted an activity or activities in violation of stormwater control requirements or currently own property upon which one or more violations of stormwater control requirements have occurred. These may include one or more persons, but are not limited to, licensed or unlicensed contractors and subcontractors, owners of property, agents of the property owners, occupants or tenants of the property.

Significant Environmental Harm: Presumed whenever an illicit discharge:

- Exceeds water quality standards,
- Discharges a pollutant to a water body that is listed as impaired on the SWRCB 303(d) list of Water Quality Limited Segments, OR
- Has a toxic effect on the receiving waters.

Stop Work Notice (SWN): A written notice ordering the cessation of all activity on the site except what is necessary for public safety or to correct the violation(s). SWNs are applicable only to construction sites. The SWN can impose significant inconvenience and/or cost until the violation is resolved. The SWN is to contain the following information:

- The name and address of the owner/contractor.
- The project number or permit number for the site.
- The nature, time, and place of the violation(s).
- Citation of the law or rule that the owner/contractor allegedly violated.
- Corrective action required to return to compliance.
- Clear notification that work at the site is to cease until compliance is achieved.

- The Inspector shall post one copy of the SWN in the most conspicuous location on the site, notifying all concerned (including the public and the police department) that the site has been closed.

The SWN should be presented to the site owner/contractor, in person if present, along with a verbal description of the violation(s), the fact that the operation is closed, and the steps necessary to correct the violation(s). If the SWN is presented to the site owner/contractor, in person, the Inspector will document the details of the event including, when possible, the names and addresses of the persons present. If the owner/contractor is not present, a copy of the SWN will be posted as described above AND delivered to the last known home or business address of the owner/contractor, leaving it with a person older than age 16 living or working there, and obtaining the signature of the recipient to acknowledge delivery; or mail it to the owner/contractor's last known home or business address.

The SWN is lifted when the Enforcement Coordinator determines that the documented violations have been corrected, or if the Enforcement Coordinator rescinds the SWN.

Stormwater Pollution Prevention Plan (SWPPP): A plan submitted for the prevention of erosion and sedimentation from a construction site during construction, which complies with the Statewide NPDES General Permit for Construction Activity.

Violation:

- Threatened Violation: A violation that has not caused perceptible harm to the environment.
- Minor Violation: A violation that has not caused significant environmental harm or public safety concerns, is a first offense, and has resulted because the responsible party was not aware of the requirements.
- Serious Violation: For the purpose of this ERP, a serious violation also includes any discharge or ground disturbing activity being conducted in violation of permit requirements that has the potential to result in significant environmental harm (as defined in Table 1 of the ERP).

Violation Follow-Up Inspection(s): One or more inspections performed as a result of a discharge violation for the purpose of verifying that the violation has been corrected. For enforcement actions that include a compliance date, the compliance date should be set according to the time frame required by the MRP, before the next rainfall event, but no longer than 10 business days from the date the violation is found, unless more timely compliance is feasible or other exceptions apply. The facility will be re-inspected on the compliance date or shortly thereafter to confirm that compliance is achieved.

Wet Season: October 1 through April 30 of each year.

## Appendix A - ERP Implementation Process

*Note: Implementation Plan carried over from original ERP. Implementation Plan needs to be updated to reflect current procedures and new permitting software (Accela).*

### 1. Building Permit and Inspection Process (BLD)

#### a. Identification of Construction Stormwater Regulated Sites (SWRS) and Scheduling of Erosion Control Inspections in Permit Plan

*Current Planning Staff - Responsibility 1:* (New SWRS) At the building plan check stage for all new building permits, the Project Planner will identify whether the subject site is a “Construction Stormwater Regulated Site.” Then, the planner will complete the following:

1. Check the “yes” or “no” box under “Construction Stormwater Regulated Site” in Permit Plan, as appropriate;
2. Stamp the BLD plan set marking the project as a “Construction Stormwater Regulated Site,” if the project is located within the ASBS also mark with “ASBS”;
3. Add a “Stormwater Regulated Site” (hard-hold) activity in BLD Case indicating the minimum frequency (weekly or monthly) of required wet season inspections, assuming a 1-year construction duration (e.g., if planning review is in January, direct building permit technicians to schedule monthly erosion control inspections in January, February, March, April, October, November, December, and January). Actual inspection dates will be scheduled by the building permit technicians at permit issuance, in coordination with a counter planner.

*NPDES Coordinator - Responsibility 1:* (Current SWRS Sites) The NPDES coordinator will identify current “Construction Stormwater Regulated Sites.” Then, the NPDES coordinator will check the “yes” or “no” box under “Construction Stormwater Regulated Site” in Permit Plan, as appropriate. Building Inspection staff will track these sites and ensure compliance with Wet Season Inspection requirements until work covered by the BLD permit has been completed.

*Building Permit Technicians - Responsibility 1:* (New SWRS Sites) Schedule weekly or monthly wet season inspection dates, as applicable, at permit issuance, in coordination with a counter planner. Reference the “Stormwater Regulated Site” (hard-hold) activity in BLD Case indicating the minimum frequency of required wet season inspections, assuming a 1-year construction duration.

#### b. Collection of Additional Fees to Cover Building Inspection Staff Time

*Building Permit Technicians - Responsibility 2:* For all projects where “Construction Stormwater Regulated Site” is check marked “yes” in Permit Plan, building permit technicians will charge property owners fees (charged on a per inspection basis) to cover Building Inspection staff time in performing erosion control inspections, at the time of building permit issuance. The actual number of inspection dates will depend on the remaining duration of the wet season within 1 year of the permit issuance date, which may be determined in coordination with a counter planner. This fee does not cover follow-up Erosion Control Inspection(s) resulting from a violation. See Section 8.1.1 for applicable fees for Follow-Up Inspections.

c. Determination of Violation Type and Documentation

*Building Inspection Staff - Responsibility 1:* Weekly or monthly “Wet Season Erosion Control Inspection” will be conducted between October 1 and April 30. Upon inspection, if no violation is found, then the Inspector will enter notes regarding observations from the inspection in Permit Plan under the weekly or monthly “Wet Season Erosion Control Inspection” activity for that inspection date. If a violation is found, the Inspector will take measures as outlined in Table 3 of the ERP.

d. Follow-Up Inspections and Required Fees for Violations

*Building Inspection Staff - Responsibility 2:* As stated in the MRP, correction of a violation is required before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency’s database or equivalent. Therefore, the Inspector will schedule a Follow-Up Inspection in Permit Plan within 10 business days after violation discovery unless a longer period is needed and approved by the EC or EO.

e. Inspection Tracking

*Building Inspection EC - Responsibility 1:* As stated in the MRP, all inspections must be tracked in an electronic database or tabular format. Data from inspection forms shall be entered by the Inspector into the Excel spreadsheet prepared by SMCWPPP. A spreadsheet shall be prepared for each Fiscal Year (July 1 to June 30). The spreadsheet shall be accessible to the NPDES coordinator for required reporting.

2. Grading Permit and Inspection Process (PLN) (for which a building permit is not required)

a. Identification of Construction Stormwater Regulated Sites by the Current Planning Section in Permit Plan

*Current Planning Staff - Responsibility 2:* Any site where the scope of development or land alteration requires a Grading Permit is considered a “Construction Stormwater Regulated Site.” At the review and approval stage for Grading Permits that do not require a building permit, the Project Planner will add a Condition of Approval to require the applicant to apply for coverage under a building permit, in order for the County to complete and track required erosion and sediment control inspections. The Condition of Approval may read as follows:

*Grading Operations:* Prior to grading “hard card” issuance, the applicant shall coordinate with a Building Technician to open a Building Permit Case and pay applicable fees for the completion and tracking of monthly erosion and sediment control inspections, as required by the Regional Water Quality Control Board, and weekly construction inspections for sites within the ASBS watershed, as required by the State Water Resources Control Board Resolution No. 2012-0012 (Special Protections).

### 3. Code Compliance Process (not associated with a Building Permit)

#### a. Determination of Violation Type and Documentation

Code Compliance Staff - Responsibility 1: Code Compliance staff will initiate a violation case and contact the property owner to apply for the required permit and/or correct the violation. Code Compliance staff will coordinate with Building Inspection staff as necessary for inspection of violation, installed erosion control measures, and/or other corrective measure(s) as determined to be applicable. As stated in the MRP, correction of a violation is required before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency's database or equivalent. Therefore, the EC will coordinate with Building Inspection to schedule a follow-up inspection in Permit Plan within 10 business days after violation discovery unless a longer period is needed and approved by the EO.

Code Compliance Staff - Responsibility 2: Based on the results of the erosion control inspection conducted by Building Inspection staff, Code Compliance staff will proceed as outlined in Table 3.

### 4. Inspection Process for DPW

DPW is responsible for inspecting the construction of private access and utility improvements within the public right-of-way (i.e., roads, driveways, utility laterals, etc.). Construction of these improvements usually includes land disturbing activities, including but not limited to land clearing, grading, and trenching, captured under a BLD, PLN, or DPW case in Permit Plan. The inspection process is therefore conducted through the previously outlined P&B process.

DPW is also responsible for inspecting County road maintenance projects involving construction during the wet season and County-managed construction projects including County Roads, Parks, and Utility/Flood Control infrastructure projects and Capital Improvement Projects in relation to County-maintained facilities and buildings. The DPW Watershed Protection Section is responsible for conducting and tracking inspections related to DPW road maintenance work. The DPW Construction Management Section is responsible for conducting inspections of County-managed construction projects related to County Roads, Parks, and Utility/Flood Control infrastructure. The DPW Capital Projects Section is responsible for inspecting County-managed capital improved projects. As required by the MRP, these projects are inspected monthly during the wet season (weekly for sites located within the ASBS). The DPW inspection process is detailed below.

Inspections are required for DPW road maintenance work involving construction during the wet season from October 1 through April 30. These projects are constructed in-house by Road Maintenance staff, rarely exceed 1 acre, and generally do not take more than 1 to 3 days to complete. Due to the small acreage of land disturbance, required construction inspections are generally only applicable for "High Priority" sites. This work is typically limited to emergency culvert replacements and slip-out repairs that occur during the wet season. DPW road maintenance projects are inspected by staff from the DPW Watershed Protection Section or a qualified consultant. The Construction Site Inspection Report Form is completed monthly during the wet season (weekly for sites located within the ASBS) and tracked electronically.

Inspections are also required for County-managed projects, which consist of work performed by County-retained contractors in conformance with a specific set of plans and specifications. Inspections for this

category of construction may be performed by DPW staff or outside consultants for various types of projects, including Facilities (Capital Projects), Parks, Flood Control, Utility type projects, and Roads. DPW Inspectors typically inspect the construction sites, including stormwater BMPs, daily. The DPW Inspectors maintain a daily log of construction events, which are generally specific to the type of work being performed and include notations relative to the instructions provided to the contractor regarding all elements of their work. Daily inspections are made and field notes are recorded. In addition to daily inspections, DPW also performs specific monthly stormwater inspections (weekly for sites located within the ASBS) during October 1 through April 30 (wet season) to determine compliance with local ordinances (grading and stormwater) and BMP effectiveness. The Construction Site Inspection Report Form is completed monthly during the wet season (weekly for sites located within the ASBS) and tracked electronically.

Staff responsibilities are detailed below.

### *Public Right-Of-Way Projects*

a. Identification of Construction Stormwater Regulated Sites by DPW in Permit Plan

*DPW Staff - Responsibility 1:* For all sites requiring an Encroachment Permit, DPW staff will identify whether the subject site is a “Construction Stormwater Regulated Site.” Then, DPW staff will complete the following: (1) check the “yes” or “no” box under “Construction Stormwater Regulated Site” in Permit Plan, as appropriate; and (2) stamp the plans marking the project as a “Construction Stormwater Regulated Site,” if the project is located within the ASBS also mark with “ASBS.”

Once the Encroachment Permit is issued, DPW staff will track these sites and ensure compliance with weekly or monthly wet season inspection requirements until the work in the public right-of-way has been completed.

b. Collection of Additional Fees to Cover DPW Staff Time

*DPW Staff - Responsibility 2:* For all “Construction Stormwater Regulated Sites,” property owners shall pay to DPW a fee based on the actual time required to cover staff time in performing required Wet Season Inspections. Payment of fee(s) may be withdrawn from a deposit paid to DPW at the building permit or encroachment permit stage prior to the start of work, as authorized by DPW.

c. Scheduling and Conducting Weekly or Monthly Wet Season Inspections

*DPW Staff - Responsibility 3:* Once ground has been broken, all regulated sites will require weekly or monthly Erosion Control Inspections during the wet season (October 1 to April 30 of each year). DPW staff will schedule weekly or monthly “Wet Season Erosion Control Inspection” activities, as applicable, for the duration of the wet season until land disturbing activities have been completed. Upon inspection, if no violation is found, then Inspector will enter notes regarding observations from the inspection in Permit Plan under the “Wet Season Erosion Control Inspection” activity for the inspection date. Upon final inspection, the Inspector will ensure that disturbed areas of work are properly sealed or winterized with erosion and sediment control measures.

As stated in the MRP, all inspections must be tracked in an electronic database or tabular format. Data from inspection forms shall be entered into the Excel spreadsheet prepared by SMCWPPP. A

spreadsheet shall be prepared for each Fiscal Year (July 1 to June 30). The spreadsheet shall be accessible to the EC/NPDES coordinator for required reporting.

The EC is responsible for reviewing all Construction Site Inspection Report Forms. The EC is also responsible for periodically reviewing the tracking database for completeness.

d. Determination of Violation Type and Documentation

DPW Staff - Responsibility 4: If a violation is found, the Inspector will take measures as outlined in Table 3 of the ERP.

e. Follow-Up Inspections and Required Fees for Violations

DPW Staff - Responsibility 5: As stated in the MRP, correction of a violation is required before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency's database or equivalent. Therefore, the Inspector will schedule a follow-up inspection in Permit Plan within 10 business days after violation discovery unless a longer period is needed and approved by the EO.

*DPW Road Maintenance Projects*

a. Identification of Construction Stormwater Regulated Sites

DPW Staff - Responsibility 1: DPW Road Maintenance staff contacts Watershed Protection Section staff when road maintenance work requiring construction is required during the wet season to determine if the project is located at a "Construction Stormwater Regulated Site."

b. Scheduling and Conducting Weekly or Monthly Wet Season Inspections

DPW Staff - Responsibility 2: If determined to be a "Construction Stormwater Regulated Site," weekly or monthly construction site inspections are required during the wet season (October 1 to April 30 of each year). DPW Inspector will schedule weekly or monthly inspections, as applicable, for the duration of the wet season until land disturbing activities have been completed. Upon inspection, if no violation is found, then the DPW Inspector will complete the Construction Site Inspection Report and enter data into the inspection tracking database. Upon final inspection, the DPW Inspector will ensure that disturbed areas of work are properly sealed or winterized with erosion and sediment control measures.

As stated in the MRP, all inspections must be tracked in an electronic database or tabular format. Data from inspection forms shall be entered into the Excel spreadsheet prepared by SMCWPPP. A spreadsheet shall be prepared for each Fiscal Year (July 1 to June 30). The spreadsheet shall be accessible to the EC/NPDES coordinator for required reporting.

The EC is responsible for reviewing all Construction Site Inspection Reports. The EC is also responsible for periodically reviewing the tracking database for completeness.

c. Determination of Violation Type and Documentation

DPW Staff - Responsibility 3: If a violation is found, the DPW Inspector will take measures as outlined in Table 3 of the ERP. Since the work is conducted in-house by DPW Roads Maintenance staff, violations typically never progress past a threatened violation.

d. Follow-Up Inspections

DPW Staff - Responsibility 4: As stated in the MRP, correction of a violation is required before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency's database or equivalent. Therefore, the DPW Inspector will conduct a follow-up inspection within 10 business days after violation discovery unless a longer period is needed and approved by the EC.

*DPW County-Managed Projects*

a. Identification of Construction Stormwater Regulated Sites

DPW Staff - Responsibility 1: DPW staff determines if the project is located at a "Construction Stormwater Regulated Site."

b. Scheduling and Conducting Weekly or Monthly Wet Season Inspections

DPW Staff - Responsibility 2: If determined to be a "Construction Stormwater Regulated Site," weekly or monthly construction site inspections are required during the wet season (October 1 to April 30 of each year). DPW Inspector will schedule weekly or monthly inspection, as applicable, for the duration of the wet season until land disturbing activities have been completed. Upon inspection, if no violation is found, then the DPW Inspector will complete the Construction Site Inspection Report and enter data into the inspection tracking database. Upon final inspection, DPW Inspector will ensure that disturbed areas of work are properly sealed or winterized with erosion and sediment control measures.

As stated in the MRP, all inspections must be tracked in an electronic database or tabular format. Data from inspection forms shall be entered into the Excel spreadsheet prepared by SMCWPPP. A spreadsheet shall be prepared for each Fiscal Year (July 1 to June 30). The spreadsheet shall be accessible to the EC/NPDES coordinator for required reporting.

The EC is responsible for reviewing all Construction Site Inspection Reports. The EC is also responsible for periodically reviewing the tracking database for completeness.

c. Determination of Violation Type and Documentation

DPW Staff - Responsibility 3: If a violation is found, the DPW Inspector will take measures as outlined in Table 3 of the ERP.

d. Follow-Up Inspections

DPW Staff - Responsibility 4: As stated in the MRP, correction of a violation is required before the next rain event, but no longer than 10 business days after discovery unless agency staff documents reasons why a longer period is needed in the agency's database or equivalent. Therefore, the DPW Inspector will conduct a follow-up inspection within 10 business days after violation discovery unless a longer period is needed and approved by the EC.