

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: James Miller, Dir. of Bldg. & Safety

SUBMITTAL DATE: June 21, 2005

SUBJECT: Ordinance 457.95

RECOMMENDED MOTION: That the Board adopt Ordinance No. 457.95, relating to erosion control requirements.

BACKGROUND: The proposed ordinance amendment is a requirement of the NPDES Municipal Stormwater Discharge Permit (NPDES Permit) issued by the San Diego Regional Water Quality Control Board, Board Order R9-2004-001. The County of Riverside must develop and implement an Individual Storm Water Management Plan (SWMP) that describes the specific urban runoff management measures and programs that each Permittee will implement to reduce the discharge of pollutants in urban runoff to the Maximum Extent Practicable (MEP) and comply with the aforementioned Board Order. Staff has determined that the following elements must be modified in order to comply with the Board Order and will requires that the following two changes be made to the grading portion of Ordinance 457:

1. Revise the ordinance to reflect the requirement for year-round erosion control devices or Best Management Practices (BMPs), and
2. Grant the authority to the building official to require phased grading.

The proposed changes affect new projects obtaining permits after July 1, 2005. All inspection costs are recoverable through deposit-based fees passed onto the land developer.

FORM APPROVED
COUNTY COUNSEL

JUN 23 2005

BY *[Signature]*

[Signature]
James Miller, Dir. Of Bldg. & Safety

FINANCIAL DATA:

CURRENT YEAR COST	\$0	ANNUAL COST:	\$ 0
NET COUNTY COST	\$0	IN CURRENT YEAR BUDGET:	Yes/ No/
		BUDGET ADJUSTMENT FY:	Yes/ No/

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION:

APPROVE

Alex Lann

County Executive Officer Signature

- Consent
- Policy
- Consent
- Policy

Department Recommendation:
Per Executive Office:

Prev. Agn. ref.

Dist.

AGENDA NO.

3.62

1 of development which disturbs 5 acres or more, required compliance with the following
2 provisions:

- 3
- 4 1. Notice of Intent. Discharges must file a Notice of Intent (NOI) along with the
5 current filing fee established by the State Water Resources Control Board
6 (SWRCB), for the development of each construction site, to the SWRCB. A copy of
7 the NOI and the discharger's identification number, which is issued by SWRCB,
8 shall be submitted to the Department of Building and Safety prior to the issuance of
9 a grading permit.
- 10 2. Storm Water Pollution Prevention Plan. A Storm Water Pollution Prevention Plan
11 (SWPPP) shall be developed and implemented for each construction site.
- 12 a. The name, address and phone number (including a 24-hour emergency
13 phone number) of the person responsible for implementing, inspecting and
14 reporting of the site SWPPP, shall be provided in writing to the
15 Department of Building and Safety Grading Division, prior to the issuance
16 of a grading permit. The person responsible for the SWPPP shall continue
17 to be available until completion of the project. Any change of such person
18 responsible for the SWPPP shall be filed with the Department of Building
19 and Safety within 24 hour, by the discharger filing the NOI.
- 20 b. Upon commencement of and during construction activities, a current copy
21 of the SWPPP shall be kept on the construction site and made available to
22 the Department of Building and Safety upon request.
- 23 c. ~~Between October 15 and April 15~~ Year-round, Best Management Practices
24 (BMPs) shall be maintained and be in place for all areas that have been
25 graded or disturbed and for all material, equipment and/or operations that
26 need protection. Removal BMPs (those BMPs which must be temporarily
27 removed during construction activities) shall be in place at the end of each
28 working day when there is a forecast of rain within the next five days, by
the National Weather Service or whenever rain is imminent.

1 ~~d. Between June 1 and September 30, BMPs shall be maintained and in place~~
2 ~~for all areas that have been graded or disturbed and for all material,~~
3 ~~equipment and/or operations that need protection within 24 hours of a~~
4 ~~forecast of rain within the next five days by the National Weather Service~~
5 ~~or whenever rain is imminent.~~

6 d. Ownership Notification. If ownership of the construction site changes at
7 any time prior to completion of construction, the new owner of the site
8 shall provide the information required in Subsection 3316.3.B.1 and 2.a.
9 above. The party transferring ownership of the construction site shall
10 inform the new owner of this requirement. Notification pursuant to this
11 subsection by the new owner shall not be required if the permanent erosion
12 and sediment control protection measures have been implemented on the
13 construction site pursuant to Subsection 3316.3.B.i.II below.

14 a. Construction Process. During the construction process the person
15 identified as responsible for the SWPPP pursuant to Subsection
16 3316.3.B.2.a shall be required to:

- 17 i. Be present on site to ensure BMPs are functioning properly.
- 18 ii. Conduct regular inspections to ascertain if BMPs should be
19 modified to adjust to current site conditions.
- 20 iii. Update the site copy of the SWPPP which identifies BMP
21 changes required for current site conditions. Revisions may
22 be highlighted on the site copy of the SWPPP. All changes
23 shall be noted at the latest, on the first working day
24 subsequent to any actual field changes being made. For
25 record purposes, the SWPPP title block shall reflect the date
26 of any change.
- 27 iv. Conduct inspections of the construction site prior to an
28 anticipated storm event to ensure that BMPs are adequate.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- v. Conduct inspections subsequent to storm events to ensure that BMPs are performed adequately. During multiple days of rain or rain of high intensity, conduct additional inspections as necessary to establish that all BMPs are performing adequately.
- vi. Ensure that equipment, material and workers are available for rapid response to emergencies.
- vii. Perform necessary maintenance to BMPs within 48 hours of the conclusion of each storm.
- viii. Keep a record of all inspections performed on the site. This record shall be made available to the Department of Building and Safety upon request.
- ix. If a construction site becomes idle (a site which is inactive for a period of more than 30 days), compliance with the following shall be required:
 - I. All BMPs identified in the SWPPP shall continue to be maintained, and the person responsible for the SWPPP shall remain in charge of the site, or
 - II. The SWPPP shall be revised to provide for permanent erosion protection. If a non-irrigated vegetation by seeding is proposed as primary erosion protection for the site, such seeding will not be considered acceptable until each germination and adequate growth has taken place on all critical areas.
 - III. The Department of Building and Safety shall be notified in writing by the discharger who filed the NOI that the construction site is or will become idle. The person responsible for the SWPPP shall inspect the construction site to verify that the site is adequately protected. An inspection by the Department of

1 Building and Safety shall also be requested. Additional
2 protection measures may be required by the building official.
3 Any construction site found idle for more than 30 days without
4 the installation of appropriate protection measures and
5 notification that the construction project is idle, shall be
6 considered in violation of this section.

7
8 b. Monitoring Criteria. Monitoring for all erosion and sediment
9 control is required as detailed in this section. Site monitoring shall
10 be performed by the person responsible for the SWPPP. The
11 Department of Building and Safety may also monitor the site
12 compliance at any time and require access to the updated site
13 SWPPP and records of all inspections made. The site monitoring
14 will be conducted as determined by the building official. Fees will
15 be paid pursuant to Table No. 3-H of this ordinance. The
16 construction site may be considered in compliance with this section
17 if the BMPs are deemed effective. The BMPs shall be deemed
18 effective if:

- 19 i. Construction site sediment is not present outside the permit
20 site or is not present on the site in an area which requires
21 protection.
- 22 ii. Structural controls are not breached or have not failed under
23 storm events of minor intensity defined as precipitation of
24 two-year frequency and 24-hour duration.
- 25 iii. Evidence of erosion is not present on manufactured and/or
26 denuded natural slopes.
- 27 iv. No evidence of construction site sediment buildup in
28 downstream storm drains and/or drainage ways is apparent.

- v. Controls are maintained in accordance with design guidelines.
- vi. The SWPPP is updated in accordance with the actual construction sequence, and the BMPs are installed according to actual construction progress.
- vii. The SWPPP includes sufficient BMPs to ensure that erosion and sediment and all other pollutants will be realistically controlled (to propose no BMPs is not acceptable).

The Department of Building and Safety may require the owner of the construction site to engage a registered civil engineer or other qualified professional within 24 hours, to supervise the implementing, inspecting and reporting of the site SWPPP as indicated in Subsections 2, 3, and 4 of Section 4J.13.B. Such professional shall review the site SWPPP, make any necessary changes and/or additions, and report in writing to the Department of Building and Safety to confirm that adequate BMPs have been installed; and continue to supervise the site SWPPP until the Department of Building and Safety agrees such supervision is no longer required. A demand may be sought against any project grading and erosion control landscape securities to rectify any deficiencies in the SWPPP and the BMPs identified in the SWPPP.

- c. When all site construction is completed, the discharger who filed the NOI shall provide the Department of Building and Safety with a copy of the Notice of Termination furnished to the State Water Resources Control Board. The grading permit log number(s) for the construction site shall be submitted with said Notice of Termination.”

1 Section 2. The provisions of the Ordinance shall take effect thirty (30) days after its
2 adoption. The Board Declares that any modifications herein to the portions of the Codes required to be
3 adopted pursuant to State Law are essentially modifications previously adopted by this Board which
4 are being reenacted as a part of the overall revisions of Ordinance No. 457.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28