

# DEVELOPMENT BEST MANAGEMENT PRACTICES HANDBOOK

## PART A CONSTRUCTION ACTIVITIES

Third Edition



City of Los Angeles  
Department of Public Works  
Bureau of Sanitation



September 29, 2004

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A significant portion of this manual has been copied verbatim from the California Stormwater Quality Association (CASQA) Construction Stormwater Best Management Practice Handbook, January 2003 and modified to suit the needs of the City of Los Angeles. We acknowledge and thank CASQA for its hard work and for allowing us to use part of the handbook. We also take responsibility for the modifications we made.

The “Development Best Management Practices Handbook – Part A Construction Activities, Third Edition” was adopted by the Board of Public Works on September 29, 2004 as authorized by Section 64.72 of the Los Angeles Municipal Code approved by ordinances No. 173494 and 172673.

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### BACKGROUND

On December 13, 2001, the Los Angeles Regional Water Quality Control Board expanded the existing NPDES regulations to address storm water discharges from construction sites that disturb land equal to or greater than one (1) acre. The regulations require that effective March 10, 2003, construction sites of one (1) acre or greater of disturbed soil be covered under the State General Construction Activities Storm Water Permit (General Permit). Coverage under the General Permit requires:

- Filing a Notice of Intent (NOI) with the State Water Resources Control Board
- Developing and implementing a State Storm Water Pollution Prevention Plan (State SWPPP) which specifies Best Management Practices (BMPs) that will prevent construction pollutants from discharging off site.

This 3<sup>rd</sup> Edition is a revision to the 2<sup>nd</sup> Edition to reflect new storm water requirements that became effective March 10, 2003.

### PURPOSE AND SCOPE

The purpose of this handbook is to provide general guidance for selecting and implementing BMPs to prevent the discharge of pollutants from construction sites to receiving bodies of water. This handbook also provides guidance on preparing the State SWPPP, a document required for construction projects with land disturbance of one acre or greater.

This handbook provides a framework for the identification and selection of BMPs, and the development and implementation of the State SWPPP. The handbook has been adopted by the Board of Public Works as authorized by Section 64.72 of the Los Angeles Municipal Code (LAMC).

### REPORT ORGANIZATION

This handbook is organized as described below:

#### **Executive Summary**

The executive summary gives a general background of the storm water regulatory requirements and summarizes the objective of this handbook.

#### **Section 1 – Introduction**

This section provides a brief overview of the pollutants associated with construction activities and a more detailed discussion of the regulatory framework, particularly the Federal, State, and Municipal NPDES requirements.

#### **Section 2 – Developer’s Guide**

The Developer's Guide Section of the handbook provides information to assist developers in complying with the requirements of the NPDES Permit and the State SWPPP. It is designed to provide quick reference to developers on what is needed for a particular project. Projects are classified and the requirements for compliance are detailed.

### **Section 3 – City Staff Guide**

The City Staff Guide Section of the handbook provides City staff the necessary background to comply with Permit requirements for municipal projects and to process building permit pertaining to storm water issues. Also, it provides the staff with the knowledge to assist applicants in complying with the requirements of storm water pollution prevention from construction activities. Enforcement and follow-up procedures to deal with substandard and non-compliant practices are described in this section.

### **Appendices**

BMP fact sheets, State SWPPP template, and other supporting information are presented in the appendices.

## **1.1 INTRODUCTION**

Over the past two decades, local, regional, and national research programs have discovered that urban runoff discharged from municipal separate storm drain systems is among the principal causes of water quality problems in most urban areas. Non-point source pollution, that is, the diffuse pollution that cannot be traced to a specific source, causes public health and safety concerns at beaches and deposits hundreds of tons of debris. The pollution in this urban runoff is not only a problem during the rainy seasons, but year-round from all types of urban water use. While its impact may not be conscientiously observed, most of us see the effects upon the receiving waters. For example, one can observe the presence of trash and litter along the beaches.

Perhaps not as obvious, storm water pollution affects aquatic plant and animal life. Potentially harmful viruses and bacteria are now found in our coastal waters along with soil particles, other solids, and litter. An epidemiological study conducted for Santa Monica Bay, found that individuals who swam near flowing storm drains are 50 percent more likely to develop various symptoms of illnesses than those who swam 400 yards away from the same drains. The City of Los Angeles's storm drain system does not filter or treat any kind of contaminants or debris; urban runoff has become the most significant source of water pollution in the region.

While we strive to improve the quality of our lives, the fact that much of human activity results in damage to the environment comes as no surprise to many of us living in or near the City of Los Angeles. As a city government, we take on the responsibility of attempting to control and reduce the amount of damage we as a society inflict on our water, air, and land.

## **1.2 POLLUTANTS ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

The disturbance of earth associated with most construction activity often results in significant erosion and the transportation of this earth and dust to nearby waterways. The increased amount of particulate in the water means increased turbidity (a reduction in light's penetration) which results in some species capturing fewer prey due to impaired vision, gills of fish and filters of aquatic invertebrates clogging, the amount of spawning and the survival of young fish reducing, the bottom dwelling community being smothered, substrate composition changing, and aesthetic values decreasing. Excessive sediment can also suppress aquatic and terrestrial vegetation.

Construction usually increases the amount of impervious area, causing more of the rainfall to run off the ground instead of seeping into it, and increasing the speed at which runoff leaves the area. Unless properly managed, this increased runoff will erode natural and/or unprotected watercourses, causing the waterway to widen and/or deepen until a stable channel is formed. This erosion of the watercourse may potentially damage property along

the banks. Sedimentation can also contribute to accelerated filling of reservoirs, harbors, and drainage systems.

Sediment is a pollutant in its own right, and it also transports many substances (such as nutrients, hydrocarbons, and trace metals) which originate from a variety of construction activities and cause pollution problems. Other pollutants lost from the topsoil include soil's organic components, plant residues, nutrient elements, organic material, atmospheric pollutants, and liquid and solid wastes. Toxic substances in storm water have been found to concentrate in the sediments, where they interfere with the reproductive cycle of many plants and animals as well as cause tumors and lesions in fish. Of additional concern is that pollutants in sediment can be re-mobilized under certain environmental conditions.

Nitrogen, phosphorous and potassium are the major plant nutrients used for fertilizing new landscaping at construction sites. Heavy use of commercial fertilizers can result in discharge of nutrients to water bodies where they may cause excessive algae growth. Phosphorous and nitrogen from fertilizers, pesticides, petroleum products, construction chemicals, and solid waste are often generated by construction site activity.

Many of the artificial surfaces of the urban environment (e.g., galvanized metal, paint, or preserved wood) contain metals which enter storm water as the surfaces corrode, flake, dissolve, decay, or leach. Over half the trace metal load carried in storm water is associated with sediments.

Synthetic, organic compounds (adhesives, cleansers, sealants, solvents, etc.) are often widely applied and may be improperly stored and disposed of. Deliberate dumping of these chemicals into storm drains and inlets (especially used crankcase oils) causes environmental harm to waterways.

Miscellaneous wastes include wash water from concrete mixers, paints, and painting equipment-cleaning activities; solid wastes resulting from trees and shrubs removed during land clearing; wood and paper materials derived from building products' packaging; food containers such as paper, aluminum, and metal cans; and sanitary wastes. The discharge of these wastes can lead to unsightly, polluted waterways.

### **1.3 REGULATORY PROGRAMS**

The Federal Clean Water Act, as amended in 1987, is the principal vehicle for the control of storm water pollutants. There are, however, other programs that directly or indirectly deal with the control of storm water pollutants. Examples include the Federal Coastal Zone Act Reauthorization Amendments of 1990, the State of California's required General Plan for Municipalities, and the California Environmental Quality Act (CEQA).

Under the Federal Clean Water Act, each municipality throughout the nation is issued a National Pollutant Discharge Elimination System (NPDES) Permit. The goal of the permit is to stop polluted discharges from entering the storm drain system and local coastal waters. The current NPDES Permit (Permit No. CA004001) was issued to Los Angeles County and 84 cities, including the City of Los Angeles, by the Los Angeles Regional Water Quality Control Board (LARWQCB) on December 13, 2001. One component of the Permit is the requirement for Los Angeles County and co-Permittees to implement the Development Construction Program, which consists of the following:

- A. Implement the following minimum requirements at all construction sites;
- Sediments generated on the project site shall be retained using adequate Treatment Control or Structural BMPs;
  - Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;
  - Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and
  - Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs (as approved in Regional Board Resolution No. 99-03), such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.
- B. Construction sites with one acre and greater of soil disturbance shall comply with all above conditions in addition to obtaining coverage under the General Construction Activity Stormwater Permit (General Permit). A copy of the General Permit is included in **Appendix L**.

For the City of Los Angeles, the General Permit is administered by the State Water Resources Control Board (SWRCB) through the Los Angeles Regional Water Quality Control Board (LARWQCB). The General Permit requires all dischargers where construction activity disturbs one acre or more to:

- Develop and implement a State SWPPP which specifies Best Management Practices (BMPs) to prevent pollution associated with construction activities from moving off site into receiving waters.
- Eliminate or reduce non-storm water discharges to storm drains and other waters of the nation.
- Perform maintenance and inspections of all BMPs.

SECTION 2 provides information on storm water requirements for private development construction projects. The intended audiences are owners, developers, contractors, and any other authorized representatives working on private construction projects.

## **2.1 CONSTRUCTION PROJECTS WITH LESS THAN ONE ACRE OF SOIL DISTURBANCE**

Construction projects<sup>1</sup> with a disturbed area of less than one acre are not covered under the General Permit and therefore are not required by the SWRCB to develop a State SWPPP. However, the City of Los Angeles requires at least the minimum storm water mitigation measures. This category of construction projects will be required to implement minimum BMPs necessary to control runoff and prevent storm water pollutants emanating from construction sites to the maximum extent practicable.

### **2.1.1 Minimum Storm Water Requirements**

The minimum storm water requirements are, for the most part, good housekeeping practices. These requirements may include, but are not limited to: covering stockpiles; retaining eroded sediments and pollutants on site; proper storage for fuels, oils, solvents and other toxic materials; containing non-storm water runoff at the project site; and proper concrete washout facilities.

The document entitled, “Minimum Storm Water Requirements”, in **Appendix A** lists the minimum BMP requirements and can be used to satisfy the minimum requirements. Appendix A can be either attached or incorporated into the approved plans and signed by the landowner or an authorized agent of the landowner as a condition to obtain a building or grading permit in accordance with LAMC Section 91.106.4.1, Exception 14.

### **2.1.2 Wet Weather Erosion Control Plan (WWECP)**

In addition to the minimum requirements specified in Section 2.1.1, construction projects with grading activities during the rainy season (October 1<sup>st</sup> to April 14<sup>th</sup>) must also develop and implement a Wet Weather Erosion Control Plan (WWECP).

On July 8, 1970, the Los Angeles Board of Public Works (BPW) adopted for general guidance purposes the “Manual and Guideline for Temporary and Emergency Erosion Control”. This manual essentially requires that construction projects with grading

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<sup>1</sup> Construction means constructing, clearing, grading or excavation that results in soil disturbance. Construction includes structure teardown. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety; interior remodeling with no outside exposure of construction material or construction waste to storm water; mechanical permit work; or sign permit work.

activities occurring during the rainy season must develop and implement a WVECP. The WVECP is a document that addresses water pollution control from grading activities during the wet weather season by specifying the use of appropriate temporary erosion and sediment control BMPs. A WVECP template is included in **Appendix B**. Periodic self-inspections are recommended using the checklist in **Appendix F** and Inspection Log in **Appendix G**.

## 2.2 CONSTRUCTION PROJECTS WITH ONE ACRE OR GREATER OF SOIL DISTURBANCE

A construction project that disturbs one acre or more of soil is subject to the General Permit, which requires the preparation and implementation of a State SWPPP.

Coverage under the General Permit requires the applicant to do the following:

- Prepare and Submit to the State Water Resources Control Board (SWRCB) a Notice of Intent (NOI). A copy of the NOI can be found in **Appendix C**.
- Pay fees
- Prepare a State SWPPP before construction begins
- Keep the State SWPPP on site, implement it during construction and revise it as needed to reflect changes during the different phases of construction.
- Submit to the SWRCB a Notice of Termination (NOT) when construction is complete and conditions of termination listed in the NOT have been satisfied. A copy of the NOT form is included in **Appendix D**.

Section 91.106.4.1, Exception 14 of the Los Angeles Municipal Code (LAMC) grants the Department of Building and Safety the authority to require the following from applicants prior to issuance of a building/grading permit:

Construction projects with one acre and greater of disturbed soil will be required to (a) file an NOI to comply with the General Permit with the SWRCB; and (b) pay the applicable fee. A proof of submittal of a NOI to the SWRCB must be shown as a condition for the issuance of a building/grading permit. This proof can come in the form of a Waste Discharge Identification (WDID) Number, which is issued by the SWRCB upon receipt of the NOI and fee. A prepared State SWPPP must be on-site prior to grading activities. These projects may require a proof of a NOI and a copy of the State SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on-going.

### 2.2.1 Notice of Intent

Prior to applying for grading or building permit, the landowner must file an NOI and pay the appropriate fee with the SWRCB. Owners of an ongoing construction at a

project site that is covered under the previous General Permit (i.e., projects that are 5 acres or greater) shall implement any necessary revisions to their State SWPPP in accordance with the current General Permit.

The NOI must be sent to the following address:

State Water Resources Control Board  
Division of Water Quality  
Storm Water Permit Unit  
P.O. Box 1977  
Sacramento, CA 95812-1977

### 2.2.2 State SWPPP Preparation

The State SWPPP is a document that addresses water pollution control during construction by specifying the use of appropriately selected, correctly installed and maintained pollution reduction BMPs. The State SWPPP must be made available on site at all times and implemented year-round through the duration of the construction project. No construction activities shall be performed until the State SWPPP has been completed, signed, and appropriate BMPs have been implemented. Required elements of the State SWPPP include, but are not limited to: (1) pollutant source identification; (2) BMP selection; (3) BMP maintenance, inspection, and repair; (4) list of contractors/subcontractors; (5) other plans; (6) preparer and owner certifications; (7) training; (8) monitoring program & reporting requirements. Each element is described in detail below.

#### 2.2.2.1 Identify Pollutant Sources

Prior to construction, assess the construction site and determine the sources of pollutants based on anticipated contractor activities, disturbed areas and erosion potential, and site history.

**Contractor Activities:** Information about contractor activities should be noted for the selection of proper BMPs. Details that should be reviewed include:

- Equipment storage, cleaning and maintenance areas and activities
- Points of ingress and egress to the construction site
- Material loading, unloading, and storage practices and areas, including construction materials, building materials and waste materials

**Disturbed Areas and Erosion Potential:** The physical condition of the site and adjacent areas should be reviewed which can include limits of construction, project schedule, and existing features. Site characteristics

including drainage patterns, soils, vegetation, surface water bodies, and steep or unstable slopes should be noted. Hydrology and soils reports should also be reviewed.

**Site History:** Existing site characteristics such as vegetation, environmental features, and areas of historic contamination (natural and/or industrial or agricultural) should also be assessed. The selection and implementation of construction BMPs will be affected by what existing features need to be protected or mitigated during construction.

Excess erosion and sedimentation are perhaps the most visible water quality impacts due to construction activities. Other less visible impacts are associated with off-site discharge of pollutants such as metals, nutrients, soil additives, pesticides, construction chemicals, and other construction waste.

In order to control impact of erosion, sedimentation, and other pollutants on receiving waters, the State SWPPP must specify BMPs to eliminate or reduce the discharge of pollutants in storm water runoff, and prevent the discharge of non-storm water from construction sites as these non-storm water discharges are likely to carry pollutants to receiving water.

#### 2.2.2.2 Identify and Select BMPs

Once potential sources of pollutants are identified, BMP categories are defined and BMPs are selected. The BMP categories are determined based on the type of pollutant sources and include the following:

##### Erosion and Sediment Control

- Erosion Control (EC)
- Sediment Control (SC)
- Wind Erosion Control (WE)

##### Contractor Activities

- Tracking Control (TC)
- Non Stormwater Management (NS)
- Waste Management and Materials Pollution Control (WM)

Selection of erosion and wind erosion control BMPs should focus on minimizing and stabilizing disturbed areas, covering stockpiles, and protecting slopes and channels. Selection of sediment control BMPs should focus on retaining sediment on site and controlling the site perimeter. BMPs for

erosion, wind erosion and sediment controls, which include categories EC, SC and WE are presented in **Appendix I**.

Certain contractor activities may cause pollution if not properly managed. The BMPs for contractor activities focus on practicing good housekeeping and containment of materials and waste on site. BMPs for contractor activities are selected from categories TC, NS and WM, presented in **Appendix I**.

#### 2.2.2.3 Maintenance, Inspection and Repair

The State SWPPP must include a discussion on the inspection and maintenance of all BMPs throughout the entire duration of the project. A qualified person must be assigned the responsibility to conduct inspections. The name and telephone number of that person shall be listed in the State SWPPP document. Inspections must be performed before and after storm events and once each 24-hour period during extended storm events to determine BMP effectiveness and implement repairs or design changes if necessary. Also a discussion of corrective measures and available resources to implement the corrective measures in a timely manner must be included. Additional information on inspection is presented in Section 2.2.2.8.1.

#### 2.2.2.4 List of Contractors/Subcontractors

The State SWPPP must include a list of names of all contractors and/or subcontractors and individuals responsible for implementation of the State SWPPP. This list should include telephone numbers and addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers should also be included.

#### 2.2.2.5 Other Plans

The State SWPPP may incorporate by reference the appropriate elements of other plans required by local, State, or Federal agencies such as design plans and specifications. A copy of any documents incorporated by reference shall be kept at the construction site.

#### 2.2.2.6 Certification

The State SWPPP must be signed by the preparer and landowner or his/her representative in accordance with the following:

- For a corporation: by a responsible corporate officer. A responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or

any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the construction activity if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

- For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or

A person is a duly authorized representative if:

- The authorization is made in writing by a person described above and retained as part of the State SWPPP; or
- The authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company.

Any person signing documents in accordance with the above shall make the following certification:

*“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure 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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”*

#### 2.2.2.7 Training

Individuals responsible for State SWPPP preparation, implementation, and permit compliance must be adequately trained, and the State SWPPP shall document all training. Such individuals may include those responsible for the installation, inspection, maintenance, and repair of BMPs. Those responsible for overseeing, revising, and amending the State SWPPP shall also document their training. Training should be both formal and informal, and should include training/workshops offered by the SWRCB, RWQCB, or other locally

recognized agencies or professional organizations. Training should occur on an ongoing basis during the entire duration of the project.

#### 2.2.2.8 Monitoring Program & Reporting Requirements<sup>2</sup>

Another major component of the State SWPPP is the development and implementation of the Monitoring Program & Reporting Requirements. The Monitoring Program & Reporting Requirements include sampling and analysis requirements for direct discharges of sediment to waters impaired due to sediment and for pollutants that are not visually detectable in runoff that may cause or contribute to an exceedance of water quality objectives. Elements of the Monitoring Program & Reporting Requirements consist of: (1) Site Inspection, (2) Compliance Certification, (3) Non Compliance Reporting, (4) Exceedance of Water Quality Standards, (5) Monitoring Records, (6) Monitoring Program for Sediments/Siltation, and (7) Monitoring Program for Pollutants Not Visually Detectable in Storm Water.

##### *2.2.2.8.1 Site Inspection*

As briefly stated in Section 2.2.2.3, qualified personnel shall conduct inspections of the BMPs prior to anticipated storm events, during extended storm events, and after actual storm events to determine BMPs performance and identify offsite discharge(s) of pollutants associated with construction activity. The name(s) and contact number(s) of the assigned inspection personnel shall be listed in the State SWPPP. Pre-storm inspections are to ensure that BMPs are properly installed and maintained; post-storm inspections are to assure that the BMPs have functioned adequately. During extended storm events, inspections shall be required each 24-hour period. BMPs shall be evaluated for adequacy and proper implementation and whether additional BMPs are required to comply with the General Permit. All inspections records must be kept with the State SWPPP.

##### *2.2.2.8.2 Compliance Certification*

The qualified assigned personnel listed by name and contact number in the State SWPPP must certify that construction activities are in compliance

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<sup>2</sup> The SWRCB has drafted a modification to the Fact Sheet of the General Permit for Storm Water Discharges Associated with Construction Activity. The proposed draft modifications are intended to provide explanation and guidance of the sampling and analysis requirements. They provide information on when sampling and analysis are required, how to perform sampling and analysis, what conclusions may be drawn from the sampling and analysis results, and explain the rationale for the required sampling. This draft modifications to the Fact Sheet is to be considered for adoption by the SWRCB at a future time following receipt of oral and written comments at public hearings.

with the requirements of the General Permit and the State SWPPP. This certification shall be based upon the site inspections required in Section 2.2.2.8.1. The certification must be completed by July 1 of each year and kept with the State SWPPP document. The certification is not submitted to the Regional Board.

#### 2.2.2.8.3 *Noncompliance Reporting*

Projects covered under the General Permit that cannot certify compliance as stated in Section 2.2.2.8.2 and/or that have had other instances of noncompliance, excluding exceedances of water quality standards as defined in the SWRCB's Receiving Water Limitation Language, shall notify the RWQCB within 30 days. The notifications shall identify the noncompliance event, including an initial assessment of any impact caused by the event, description of the actions necessary to achieve compliance, including a time schedule indicating when compliance will be achieved. Non-compliance instances that result in exceedances of water quality standards must comply with the requirements specified in Section 2.2.2.8.4 below.

#### 2.2.2.8.4 *Exceedance of Water Quality Standards*

Construction related activities that cause or contribute to an exceedance of water quality standards must be corrected immediately and cannot wait for the RWQCB to approve a plan of action to correct. Therefore, the owner is required to take immediate corrective action and to provide a report to the RWQCB within 14-calendar days of the violation describing the corrective action.

#### 2.2.2.8.5 *Monitoring Records*

Records of all inspections, compliance certifications, and noncompliance reporting must be kept with the State SWPPP and retained for a period of at least three years from the date generated. With the exception of noncompliance reporting, dischargers are not required to submit these records.

#### 2.2.2.8.6 *Monitoring Program for Sediments/Siltation*

Construction projects that discharge storm water directly into a water body listed in the State's 303(d) List (**Appendix L**) must conduct a sampling and analysis program for the pollutants (sedimentation/siltation or turbidity). The sampling and analysis parameters and procedures must be designed to determine whether the BMPs installed and maintained prevent

discharges of sediment from contributing to impairment in receiving waters.

The City of Los Angeles currently does not require construction projects falling within City boundary to implement the Monitoring Program for Sediments/Siltation. This is because all water bodies within the City of Los Angeles are not listed on the State's 303(d) List, and that storm water discharges flow through Municipal Separate Storm Sewer Systems (storm drains) before they are discharged into receiving water bodies.

#### 2.2.2.8.7 *Monitoring Program for Pollutants Not Visually Detectable in Storm Water*

For all construction projects, a sampling and analysis plan must be prepared for pollutants that are considered not visually detectable in storm water discharges, but which are or should be known to occur on the construction site, and which could cause or contribute to an exceedance of water quality objectives in the receiving water.

Actual sampling must be conducted whenever there is any breach, malfunction, leakage, or spill observed on site that may contribute pollutants that are not visually detectable in storm water discharges. Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to conduct sampling and analysis. Examples of construction sites that may require sampling and analysis include:

- Sites that are known to have contaminants spilled or spread on the ground;
- Sites where construction practices include the application of soil amendments, such as gypsum, which can increase the pH of the runoff; or
- Sites having uncovered stockpiles of materials exposed to storm water

Visual observations before, during, and after storm events are necessary to determine requirement for sampling.

Samples shall be collected at all discharge locations which drain the areas identified by the visual observations and which can be safely accessed. For sites where sampling and analysis is required, personnel trained in water quality sampling procedures shall collect storm water samples. A sufficiently large sample of storm water that has not come in contact with

the disturbed soil or the materials stored or used on-site (uncontaminated sample) shall be collected for comparison with the discharge sample. Samples shall be collected during the first two hours of discharge from rain events that occur during daylight hours and which generate runoff.

Monitoring program for pollutants not visually detectable in storm water is further detailed in **Appendix K**. All field and/or analytical data shall be kept in the State SWPPP document, which is to remain at the construction site at all times until a Notice of Termination has been submitted and approved.

A State SWPPP template is included in **Appendix J** of this handbook to assist in the preparation of the State SWPPP documents. The template contains all elements required by the General Permit. An electronic copy of the State SWPPP template can be downloaded from the “Development Best Management Practices Handbook Part A: Construction Activities, 3<sup>rd</sup> Edition” at [www.lastormwater.org](http://www.lastormwater.org).

### 3.1 INTRODUCTION

This section defines the City's responsibilities to review and approve or reject-for-modification the proposed storm water pollution control measures for construction projects in the City of Los Angeles. This section also defines the inspection criteria and enforcement actions within the authority of the City of Los Angeles. Finally, this section designates the responsibilities of the involved City Departments pertaining to record keeping and the NPDES Municipal Permit compliance reporting requirements.

The City issues building and grading permits for construction projects. Building permits are required for any building or structure that is erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished. Grading permits are required for all grading projects other than those specifically exempted by the Los Angeles Municipal Code. Development construction projects covered under this program will be required to implement BMPs as necessary to reduce pollutants to the maximum extent practicable. Prior to the issuance of a grading or building permit, the City plan check engineer shall determine if the proposed construction project will potentially cause soil disturbance and impose applicable storm water requirements.

Section 64.72 of the Los Angeles Municipal Code (LAMC), as amended by Ordinance Nos. 173494 and 172673 (**Appendix E**), gives the Board of Public Works authority to define and adopt the requirements necessary to control storm water pollution from sediments, erosion, and construction materials. These requirements are designed to control runoff and prevent pollutants caused by construction activities from leaving the construction site, consistent with the requirements of the Storm Water NPDES Municipal Permit. The appropriate Best Management Practices (BMPs) should be based on the anticipated construction activities and the potential pollutants that may be generated. As a condition for the issuance of a grading or building permit, the City of Los Angeles, Department of Building and Safety (LADBS) will review and ensure all storm water requirements are satisfied.

The City's plan checking and inspection requirements for proposed grading and building projects is summarized below based on the size of the construction site.

#### 3.1.1 Less Than One Acre of Soil Disturbance

##### 3.1.1.1 Private Development

For private development construction projects with less than one acre of soil disturbance, the plan checker must impose the minimum storm water requirements as listed in Appendix A, and WVECP if grading occurs during the rain season. LADBS must conduct inspections for compliance with Appendix A, and record any observed violations. The Bureau of Contract Administration (BCA) will conduct inspections as part of their routine jobsite

inspections for compliance with the WVECP using the Construction Site City Inspection Checklist in **Appendix H**.

#### 3.1.1.2 Municipal Development

For municipal construction projects with less than one acre of soil disturbance, the project engineer must incorporate or attach Appendix A into or with the approved plans and prepare the WVECP if grading occurs during the rain season. The Project Manager (PM) or Construction Manager (CM) must ensure implementation of the requirements throughout the duration of the project. Jobsite inspection can be done by the agency or by LADBS/BCA inspectors.

### **3.1.2 One Acre or Greater of Soil Disturbance**

#### 3.1.2.1 Private Development

For private development construction projects with one acre or greater of soil disturbance, LADBS plan checkers must verify proof that the project has filed an NOI with the SWRCB by requesting a WDID number from the applicant, and that a State SWPPP has been prepared before grading can begin.

#### 3.1.2.2 Municipal Development

For municipal projects that disturb one acre or greater of soil, it is recommended that the project engineer incorporates the requirements of the General Permit into the design specifications, requiring the Contractor to prepare the NOI and State SWPPP and submit the NOI to the SWRCB. It is the responsibility of the PM/CM to review and approve, approve-with-modification, or reject the State SWPPP as part of the submittal review and approval process. Once approved, the PM/CM, as a representative of the “owner”, shall sign the State SWPPP document certifying that the document and all attachments were prepared in accordance with the General Permit.

## **3.2 WVECP INSPECTION & ENFORCEMENT PROCEDURES**

### **3.2.1 WVECP Approval Process**

Section 61.02 of the Los Angeles Municipal Code (LAMC), as amended by Ordinance Nos. 173494 and 172673 (**Appendix E**), gives the Board of Public Works authority to perform erosion control work consistent with the requirements of the Storm Water Municipal Permit. Within the Department of Public Works (DPW), the temporary erosion control program is administered by BCA. Plan check and approval

is performed by the Bureau of Engineering (BOE). Temporary erosion control inspection and enforcement is performed by the BCA. LADBS assists the DPW by observing the erosion control plan requirements for compliance during inspections of work on private property. However, the responsibility for enforcing the requirements for erosion control still rests with BCA including work that is being done under authority of a LADBS grading permit.

On July 8, 1970, the Los Angeles Board of Public Works (BPW) adopted for general guidance purposes an erosion control procedure. The Inspector of Public Works was designated as the BPW's authorized representative to administer the program. These erosion control guidelines are presented in the BCA's "Manual and Guideline for Temporary and Emergency Erosion Control". Construction projects that have the potential to cause storm water pollution from erosion need to be identified by the BCA and LADBS in accordance with the procedures described in the manual. These construction projects are compiled, reviewed, evaluated and inspected in accordance with the BCA's erosion control procedures.

#### WWECP Procedures and Time Line

Prior to July 1 of each year, the Bureau of Contract Administration Erosion Control Coordinator (BCAECC) requests from LADBS a list of construction projects with grading activities that may require a WWECP. The BCAECC also requests from all BCA District Supervisors a list of all B-Permit and Work Order projects that will require a WWECP.

In response to the BCAECC request, LADBS submits a list of grading jobs that may require a WWECP on July 15. The BCAECC reviews the list then distributes the list to the respective BCA district supervisors. The list of Public Works projects that may need a WWECP is compiled and combined with the list issued by LADBS. BCA districts supervisors will assign inspectors to evaluate projects in their areas. From these evaluations, BCA district supervisors determine which sites require notifications for submittal of a WWECP.

Prior to August 1 of each year, BCA sends out notices to all construction projects that require submittal of a WWECP. The list of all projects will also be sent to BOE and LADBS. Approval of the WWECP for construction projects with ongoing grading activities must be obtained prior to September 1 of each year, 30 days prior to the beginning of the rainy season. Desilting basins are to be completed by September 15 of each year.

On September 2, BOE notifies BCA and LADBS of projects that have approved plans. On September 20, LADBS notifies BCA of construction projects issued "Order-To-Comply" notices regarding completion of desilting basins. On October 6 of each year, LADBS will notify BCA of construction projects issued "Order-To-

Comply” notices regarding erosion control devices. LADBS will also notify BCA of any observed noncompliance of erosion control requirements during inspections on private properties. BCA field inspectors assigned to these sites will issue a “Notice of Non-Compliance.”

### 3.2.2 WVECP Site Inspection Criteria

BCA’s first inspections that should be scheduled are for sites that require desilting basins. This inspection should take place by September 15. If the required basins have not been installed by this date, a “Notice of Non-Compliance” must be issued. As of October 1, all remaining erosion control devices should be in place per requirements on the erosion control plans and the Department of Public Works Erosion Control Notes. If the remaining requirements have not been met by this date, a “Notice of Non-Compliance” will be issued.

During the rainy season (October 1 to April 14), BCA inspectors (inspectors) will be required to visit each site when rain has been forecast at 40% (prior to rain), during rain and after rain. BCA inspectors should check each site and evaluate its condition using **Attachment H** “Construction Site Erosion Control Practices Inspection Checklist.” If all devices are in place and the site appears not to require any additional work, record the status. If a site is lacking devices or additional work is required, the following steps shall be taken:

1. Notify the emergency contact person listed on the job plans, the contractor or the permittee, and advise them of the condition of the site and direct them to resolve the issue.
2. Give the permittee or contractor a realistic time frame to correct the problem.
3. Issue a Job Memorandum and include the time limit and any charges that may be imposed if the Bureau of Street Services is called out to rectify the problem.
4. Advise the BCA District Supervisor of the situation and record all information in the site records along with photographs if necessary.

After all sites have been inspected prior to the predicted rain, inspectors should monitor those sites that are complex or could become problematic. Once it is obvious that a rainstorm has set in and the likelihood of runoff will occur, the BCA inspector should visit the sites that have been determined to be the most critical first. BCA inspectors must resolve any immediate threats to the public welfare.

The inspector must then visit the sites that have been evaluated as being less detrimental to the public welfare. The next sites to visit are the complex sites (large sites, detailed erosion control devices, etc.) and any site that may have a desilting basin. The last sites that should be visited are those in good condition or have been constantly maintained by the contractor.

While inspecting a site during a rainstorm, inspectors should insure that all basins and other devices indicated on the erosion control plans are functioning as designed. The erosion control plan is a minimum requirement and the BCA field inspector may request additional devices such as sandbags to be installed as needed to maintain a safe condition and to protect the public welfare. If sandbags, berms, or other devices appear to be accumulating an excessive amount of silt or debris, the following steps are to be taken:

1. Contact the emergency contact person and direct them to rectify the problem at once by either removing the silt and debris or by adding additional sand bags until the rain has stopped and the site can be restored to a satisfactory condition.
2. If the emergency contact person cannot be contacted, notify the permittee or owner.
3. Give the permittee or contractor a realistic time frame to correct the problem.
4. Issue a Job Memorandum and include the time limit and that charges may be imposed if the Bureau of Street Services is called out to rectify the problem.
5. Advise the BCA District Supervisor of the situation and record all information in the site records along with photographs if necessary.

If inspections are performed after normal working hours and an emergency has developed, the inspector should notify the emergency contact person for the project, and inform them of the problem and give specific directions as to what might be required to resolve it. If the inspector is unable to contact a project representative and if the inspector is unable to follow the normal chain of command within the Bureau, the inspector is advised to use their own initiative to achieve compliance in emergency situations.

The inspector should contact the Bureau of Street Services Emergency Service truck at (213) 485-7100 (BSM Radio Room) only when all other administrative remedies have been exhausted and the situation at hand demands immediate attention to protect the safety and welfare of the public. The inspector should record everything that has taken place, take photographs to backup all actions taken and notify the BCA District Supervisor at the earliest opportunity. If the permittee or contractor has responded to the inspectors' request and the emergency is not related to neglect or failure to comply with directives from any City agency, a Notice of Non-Compliance should not be issued. However, if the permittee or contractor has neglected the site, required devices or maintenance of these devices or has failed to comply with the inspector's directives, a Notice of Non-Compliance should be issued.

The inspectors should visit all sites assigned to them the working day after a rainstorm. Each site should be assessed as to its condition after each rain. The inspectors should visit the sites that are most problematic first and ending with sites

that are maintained and do not need any immediate attention. The inspector should take the following steps:

1. Record all findings in the site records, notify permittees or contractors or emergency contacts of any problems that may need to be resolved and issue a Job Memorandum listing all discrepancies.
2. Give the permittee or contractor a realistic time frame in which to correct the problem.
3. Issue a Job Memorandum and include the time limit and that charges may be imposed if the Bureau of Street Services is called out to rectify the problem.
4. Advise the BCA District Supervisor of the situation and record all information in the site records along with photographs if necessary.

### 3.2.3 WVECP Enforcement Actions

Inspection and enforcement of erosion and sedimentation control measures is administered by BCA in accordance with the BCA's "Manual and Guideline for Temporary and Emergency Erosion Control". The following sections are enforcement procedures that are based on BCA's policies:

#### (a) Verbal Notices

The most common initial method of requesting corrective action and enforcing compliance is a verbal notice from the inspector to the contractor. Verbal notices are often sufficient to achieve compliance. If the violation is minor, the inspector will notify the private contractor's project supervisor and make a note of the violation in the inspection file. Examples of minor violations include control measures in need of minor repair or relocation. Judging the degree of severity may also take into account any past history of similar or repeated violations by the same developer or contractor at this or other sites. If the BCA inspector deems it to be necessary, a "Job Memorandum" will be issued to document conditions and instructions.

#### (b) Written Notices

If the permittee or contractor has failed to respond to the directives listed in the Job Memorandum and the allotted time has elapsed, the inspector will issue a Notice of Non-compliance, notify the BCA District Supervisor and recommend that the Supervisor contact the Division Chief Inspector to request the Bureau of Street Services to perform any and all necessary actions to rectify the problem. If a severe storm should occur after normal working hours, weekends or holidays, the inspector should administer the erosion control program per established BCA procedures (Administrative Order E 1 1-4).

For any sites that may have had device failures or a lack of device maintenance which has resulted in runoff onto the public right of way or into a watercourse, a Notice of Non-Compliance will be issued following the same procedures as stated above. Job sites that have desilting basins or check dams should be pumped dry and have all silt and debris removed within 24 hours after each storm.

(c) Stop Work Orders

If the "Notice of Noncompliance" is not addressed by the next inspection or if a major infraction is observed, such as a failure of BMPs resulting in a significant release of sediment or other pollutants off-site, further steps may be taken. In accordance with section 91.104.2.4 of the LAMC, the inspector has the authority to issue a written notice to the responsible party to stop work on that portion of the work concerning the violation until the conditions relating to the non-compliance have been corrected.

The following Table 3-1 summarizes stormwater mitigation requirements for construction projects with less than one acre of soil disturbance. The flow chart in Figure 3.1 illustrates the process for obtaining a building or grading permit.

**TABLE 3-1: Construction Projects with Less Than One Acre of Disturbed Soil**

GRADING SCHEDULE	PRE-CONSTRUCTION	CONSTRUCTION PHASE
<ul style="list-style-type: none"> <li>❑ NO GRADING BETWEEN OCTOBER 1 AND APRIL 15</li> </ul>	<ul style="list-style-type: none"> <li>❑ INCORPORATE APPENDIX A PROVISIONS INTO PLANS (LAMC 91.106.4.1)</li> </ul>	<ul style="list-style-type: none"> <li>❑ PERIODIC SELF-INSPECTIONS USING APPENDIX F</li> <li>❑ LADBS INSPECTORS WILL OBSERVE THE SITE FOR COMPLIANCE WITH THE MINIMUM REQUIREMENTS DURING ROUTINE INSPECTIONS</li> </ul>
<ul style="list-style-type: none"> <li>❑ GRADING BETWEEN OCTOBER 1 AND APRIL 15</li> </ul>	<ul style="list-style-type: none"> <li>❑ INCORPORATE APPENDIX A PROVISIONS INTO PLANS (LAMC 91.106.4.1)</li> <li>❑ PREPARE A WVECP</li> </ul>	<ul style="list-style-type: none"> <li>❑ PERIODIC SELF-INSPECTIONS USING APPENDIX F</li> <li>❑ LADBS INSPECTORS WILL OBSERVE THE SITE FOR COMPLIANCE WITH MINIMUM REQUIREMENTS DURING ROUTINE INSPECTIONS</li> <li>❑ IMPLEMENT WVECP</li> </ul>

### **3.3 STATE SWPPP INSPECTION & ENFORCEMENT PROCEDURES**

#### **3.3.1 State SWPPP Approval Process**

For projects with one acre or greater of disturbed soil, the applicant must develop and implement a State SWPPP. In addition, the landowner must prepare and file the NOI along with the applicable fee to the SWRCB. Prior to issuing the building or grading permit, the LADBS plan check engineer should require a Waste Discharge Identification (WDID) number as evidence that the landowner has complied with the General Permit.

#### **3.3.2 State SWPPP Site Inspection Criteria**

LADBS will conduct site inspections of construction projects with one acre and greater of disturbed soil. For construction projects by municipal agencies such as the Department of Water & Power, the Port of Los Angeles, or the Los Angeles World Airport, inspections can be done by either personnel within the agency, or LADBS/BCA inspectors. When conducting an inspection, the LADBS Inspector will observe the site for compliance with the minimum water quality protection requirements listed on the State SWPPP. Site observations are performed year-round during normal called inspections and at least one inspection should take place between October 1 and April 15 each year.

The objective of the State SWPPP's site inspection is to determine if the BMPs adopted were effectively chosen and are properly installed to ensure that construction-related materials, wastes, spills or residues are retained on site. The BMPs should minimize the transport of pollutants from site to streets, drainage facilities, or adjoining properties by wind, vehicle traffic, or runoff. Also, runoff from equipment and vehicle washing shall be contained at construction sites.

If it is determined that the minimum water quality protection requirements are not being achieved, the LADBS inspector shall document the violations. Similarly, violations observed in any construction project, while conducting routine inspections, shall also be documented. All inspection checklists reflecting such violations will be transmitted by the next business day to the Bureau of Sanitation, Watershed Protection Division. The Bureau of Sanitation will conduct the necessary follow-up within two weeks to ensure that violations are corrected. Continuing non-compliance for projects subject to the General Permit that are verified by two follow-up inspections within 3 months and issuance of two warning letters or notices for non-compliance will be referred to the Regional Board for further enforcement actions.

#### **3.3.3 State SWPPP Enforcement Actions**

For municipal construction projects, enforcement and reporting activities for State SWPPP can be based on the respective agency's internal procedures and conducted by agency personnel. However, municipal agencies may choose to adopt enforcement actions as described below.

Section 64.72.01 of the Los Angeles Municipal Code (LAMC) grants the Department of Public Works (DPW) the authority to define and adopt BMPs necessary to control storm water pollution from construction activities. While inspection of the State SWPPPs is mainly conducted by the LADBS, enforcement can be conducted by DPW as described in the following the procedures:

(a) Written Notice of Violation

When a violation is discovered, a Correction Notice stating the violation, the location, and the nature of the violation should be issued. The "Correction Notice" should include a follow-up date scheduled within two weeks. If the violation is not corrected within the time allowed by the Correction Notice, an Order to Comply should be issued. The Order To Comply should include the same information as the Correction Notice with the addition of the code section that is being violated.

(b) Stop Work Orders

If the Order to Comply is not addressed by the next inspection or a major infraction is observed, such as a failure of BMPs resulting in a significant release of sediment or other pollutants off-site, further steps may be taken. In accordance with section 91.104.2.4, the inspector has the authority to issue a written notice to the responsible party to stop work on that portion of the work concerning the violation.

(c) Report of Noncompliance to the Regional Board

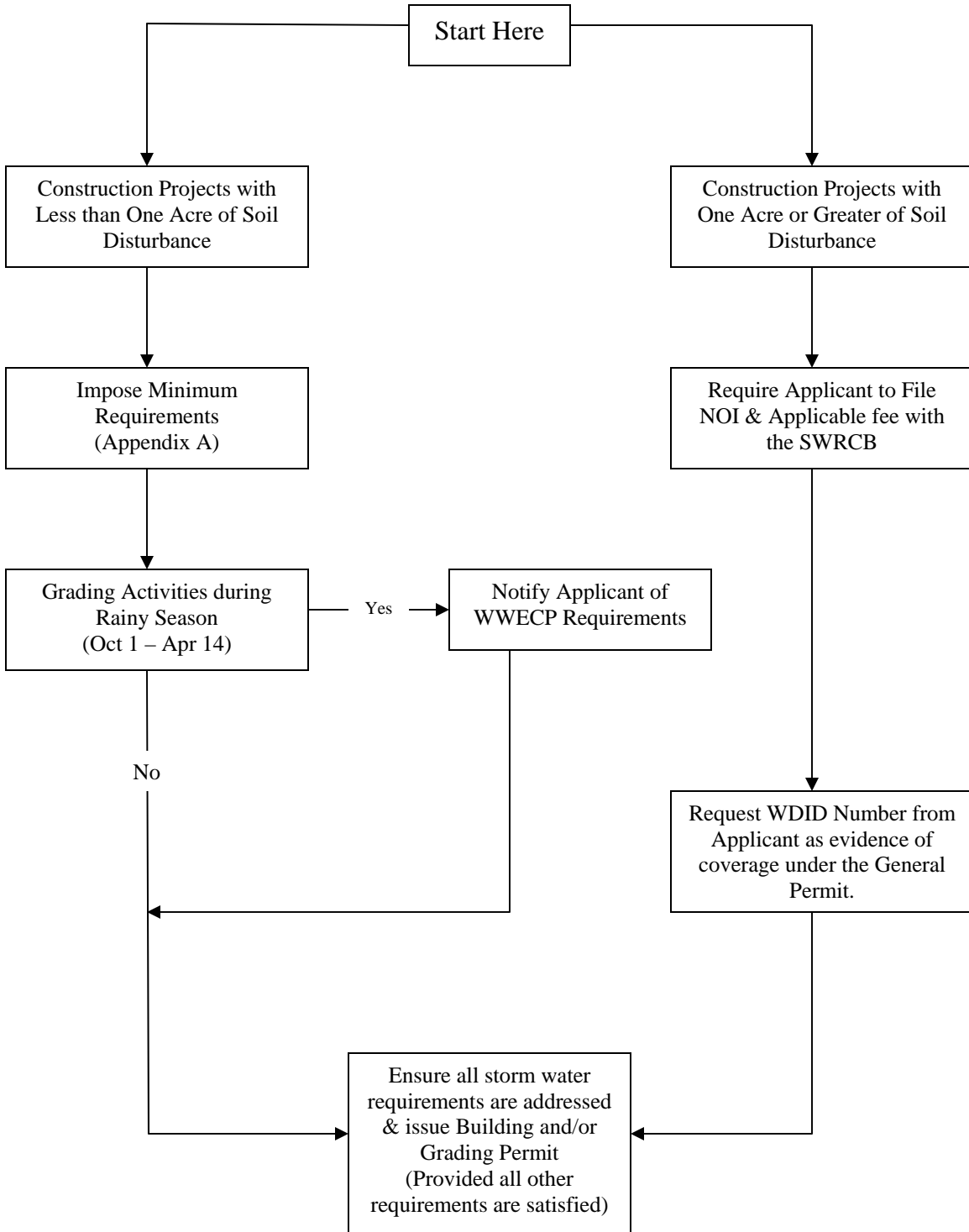
Observed violations are recorded by LADBS inspectors and forwarded to the Watershed Protection Division within the next business day for follow-up inspection. A follow-up inspection will be performed within the next two weeks. The LARWQCB shall be notified for further enforcement actions after two follow-up inspections within 3 months and two warning letters or notices of violation.

The following Table 3-2 summarizes stormwater mitigation requirements for construction projects with one acre or greater of soil disturbance. The flow chart in Figure 3.1 illustrates the process for obtaining a building or grading permit.

**TABLE 3-2: Construction Projects with One Acre or Greater of Disturbed Soil**

GRADING SCHEDULE	PRE-CONSTRUCTION	CONSTRUCTION PHASE
<ul style="list-style-type: none"> <li>□ YEAR ROUND</li> </ul>	<ul style="list-style-type: none"> <li>□ SHOW A PROOF OF SUBMITTAL OF A NOI AND A PREPARED STATE SWPPP</li> </ul>	<ul style="list-style-type: none"> <li>□ IMPLEMENT THE STATE SWPPP</li> <li>□ LADBS INSPECTORS WILL OBSERVE THE SITE FOR COMPLIANCE WITH THE MINIMUM REQUIREMENTS DURING ROUTINE INSPECTIONS</li> <li>□ DURING RAIN SEASON, CONTRACTOR WILL ARRANGE FOR A SWPPP INSPECTION BY A LADBS INSPECTOR AT LEAST ONCE</li> </ul>

**FIGURE 3.1: PLAN CHECK PROCEDURES**



### 3.4 ANNUAL PERMIT COMPLIANCE REPORTING

Monitoring and reporting activities and BMPs implemented under the Development Construction Program are necessary as required by the current NPDES Permit. LADBS, BCA, and the Watershed Protection Division maintain the appropriate monitoring and reporting information for the completion of the Annual Compliance Report.

LADBS and the Bureau of Sanitation (BOS) have agreed to share the responsibility of keeping records for reporting purposes. LADBS will keep records pertaining to the number of building and/or grading permits issued to projects with less than one acre of soil disturbance and to projects with one acre or greater of soil disturbance.

BOE and BCA will maintain records pertaining to Wet Weather Erosion Control Plans.

BOS maintains records related to the BMP implementation and effectiveness portion of the annual program report. This information includes:

1. Number of SWPPP inspection conducted
2. Number of inadequate SWPPP
3. Number of substandard implementation of BMPs
4. Number of off-site sediment discharges
5. Number of off-site discharges of other pollutant
6. Number of substandard sediment controls
7. Number of substandard erosion controls
8. Number of substandard site management practices
9. Number of substandard material and waste management practices

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