



CITY OF MURRIETA

NOTICE OF WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF STORMWATER RUNOFF ASSOCIATED WITH CONSTRUCTION AND LAND DISTURBANCE ACTIVITIES

September 1, 2020

TO: Dischargers, Project Managers and Field Superintendents
FROM: City of Murrieta Construction Inspection
SUBJECT: Notice of Waste Discharge Requirements for Discharges of Storm Water Runoff
Associated with Construction and Land Disturbance Activities

Purpose of Notice:

The purpose of this notice is to emphasize discharges of storm water runoff requirements associated with construction and land disturbance activities. This notice does not relieve the discharger, as defined below, of any of the referenced Construction Permit and City NPDES Permit requirements; and the requirements outlined in the Grading, Erosion and Sediment Control and Storm Water and Runoff Management and Discharge Controls Ordinances.

Compliance with Construction Permit and City NPDES Permit; Grading, Erosion and Sediment Control and Stormwater and Runoff Management and Discharge Controls Ordinances:

The discharger, defined as a person, company, agency, or other entity that possesses a real property interest (including, but not limited to, fee simple ownership, easement, leasehold, or other rights of way) in the land upon which the construction or land disturbance activities will occur for the regulated site, shall comply with the waste discharge requirements for discharges of storm water runoff associated with construction and land disturbance activities, Order No. 2009 - 0009 DWQ, as amended by Order No. 2010-0014 DWQ (Construction Permit), for all construction sites that disturb one or more acres of land surface, or that are part of a common plan of development or sale that disturbs more than one acre of land surface. Additionally, the discharger shall comply with the City's NPDES Permit; Grading, Erosion and Sediment Control, Chapter 15.52; and Stormwater and Runoff Management and Discharge Controls Ordinances, Chapter 8.36.

Issuance of Grading Permit:

Prior to issuance of a City grading permit, the discharger shall demonstrate coverage under the Construction Permit through submittal of valid Waste Discharger Identification (WDID) documentation.

Storm Water Pollution Prevention Plan (SWPPP) Requirements:

- The Construction Permit requires the development of a site-specific Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must include the information needed to demonstrate compliance with all requirements of the Construction Permit.
- The discharger shall ensure that a Qualified SWPPP Developer (QSD) develops the SWPPP. To ensure proper site oversight, the Construction Permit requires a Qualified SWPPP Practitioner (QSP) to oversee the implementation of the Best Management Practices (BMP) required to comply with the Construction Permit.
- The discharger shall make the SWPPP available at the construction site during working hours while construction is occurring and shall be made available upon request by a State or City inspector.
- When the original SWPPP is retained by a crewmember in a construction vehicle and is not currently at the construction site, current copies of the BMPs and map will be left with the field crew and original SWPPP shall be made available via a request by radio/telephone.

Dischargers Shall Adhere to the Following:

- Discharger shall be responsible for control of erosion and sediment discharge on and from all areas of grading until acceptance of the completed grading by the City Engineer;
- Discharger shall implement BMPs year round which can vary based on wet and dry seasons;
- Discharger shall utilize erosion prevention as the most important measure for keeping sediment on site during construction;
- Discharger shall utilize sediment controls as a supplement to erosion prevention for keeping sediment on site during construction;
- An effective combination of erosion and sediment controls shall be implemented within seven (7) working days of clearing or inactivity in construction;
- Discharger shall minimize exposure time of disturbed soil areas;
- Discharger shall temporarily stabilize and reseed disturbed soil areas as rapidly as possible;
- Discharger shall permanently re-vegetate or landscape as early as feasible;
- To ensure adherence to erosion and sediment control plans and standard notes, all site personnel including contractors and trade-partners shall adhere to your site specific SWPPP;

- Discharger shall implement additional site specific BMPs, as necessary, which may be more stringent than those required under the Construction Permit

Minimum Required Best Management Practices (BMPs):

At a minimum, the following BMPs shall be implemented on a continual basis during construction activities:

- Additional erosion and sediment control materials shall be stockpiled and made readily available at various locations throughout site. Stockpiled BMPs shall be identified on the site-specific erosion control plan;
- Soil stockpiles must be stabilized with a combination of erosion and sediment controls and have a daily maintenance frequency or as directed by the City Engineer;
- The faces of cut and fill slopes shall be prepared and maintained to control against erosion and sediment discharge;
- Modified stabilized construction entrance / exit (TC-1) with required shaker plates, rock and filter fabric at all construction site exits;
- Street sweeping shall be performed on all paved streets within the site and outside of all construction exits on a regular basis per the site specific SWPPP;
- A mechanical street sweeper shall be implemented during all hauling, trenching and paving operations to minimize tracking;
- All onsite and offsite flow lines, storm drain inlets and streets affected by your site shall be free and clear of sediment, construction materials, construction waste and miscellaneous debris;
- Waterway and watercourse protection shall include, but not limited to, stabilization of the channel before, during, and after any in-channel work;
- Construction waste and miscellaneous debris shall be placed in enclosed bins and be covered with a lid or plastic tarp. No wire mesh receptacles are authorized;
- Washout stations shall be provided for concrete, paints, stucco, etc., and must contain all liquid. Identify concrete washout locations on the site-specific erosion control plan;
- All portable mixers shall have plastic under-liners with secondary containment measures in place;
- Water shall be pumped out from retention/desilting basins using appropriate dewatering measures after 24 hours but within 72 hours of collection to avoid vector control issues.

Year Round BMP Inspection, Maintenance and Repair:

- Discharger shall perform weekly inspections and observations to identify and record BMPs that need maintenance to operate effectively, that have failed, or that could fail to operate as intended. Inspectors shall be the QSP or be trained by the QSP;

- Upon identifying failures or shortcomings, as directed by the QSP, dischargers shall begin implementing repairs or design changes to BMPs within 72 hours of identification and complete the changes as soon as possible;
- For each inspection required, dischargers shall complete an inspection checklist, using a form provided by the State Water Board or Regional Water Board or in an alternative format;
- Dischargers shall ensure that checklists shall remain onsite with the SWPPP and include the required information as identified in Section G.5. of the Construction Permit;

Rainy Season Erosion and Sediment Control Maintenance:

- Prior to and after each rainstorm event, silt and debris shall be removed from check dams, desilting basins, curbs, gutters, streets, brow ditches, terrace drains, silt fences and other private and public storm water conveyance systems shall be dewatered to prevent overflowing between storm events;
- Prior to and after each rainstorm event, the erosion and sediment control system shall be evaluated and revised and repaired as necessary;
- All removable protective devices shown on the erosion and sediment control plan and outlined in the SWPPP, if applicable, shall be in place at the end of each working day during the rainy season.

City Inspection of Construction Sites:

- City Inspectors will conduct NPDES inspections to ensure that an effective combination of erosion and sediment control measures, including pollution prevention measures, have been implemented and are maintained
- City Inspection Frequency:
 - Dry Season (May 1 to September 30) –
 - All Construction Sites – One inspection in September and one inspection prior to ground disturbing activities
 - Rainy Season (October 1 to April 30):
 - High Priority Sites – Inspected twice per month
 - Medium Priority Sites – Inspected monthly
 - Low Priority Sites – Inspected as needed

City Enforcement Actions:

- When violations are observed during a site inspection, the City will implement appropriate enforcement measures based on severity of the violation.
- Incidents of observed noncompliance at construction sites shall be resolved within 72 hours, or prior to the next rain event, whichever is sooner. When a violation has not been resolved within 72 hours, additional enforcement actions will be taken as necessary to achieve compliance.

- The progressive enforcement steps the City will implement include the following:
 - Correction Notice:
 - Discharger shall resolve observed non-compliance within 72 hours, or prior to the next rain event, whichever is sooner.
 - Notice of Violation (NOV):
 - Failure to resolve observed non-compliance within 72 hours, or prior to the next rain event, whichever is sooner, will trigger a Stop Work Order
 - Stop Work Order:
 - Escalated enforcement action will be reported to the Regional Water Quality Control Board
 - To restart work once a stop-work order has been issued, the discharger must request a re-inspection to verify that deficiencies have been satisfactorily corrected. Once appropriate corrections have been implemented, activities may resume.
 - Revocation of Permits:
 - Escalated enforcement action will be reported to the Regional Water Quality Control Board
 - Prior to resuming work, the discharger will need to reapply for permits to meet City requirements
 - Administrative Citation:
 - Escalated enforcement action will be reported to the Regional Water Quality Control Board
 - Initial violation - \$100/day
 - Second violation within one year of the first violation: \$200/day
 - Additional violations within one year of the first violation: \$500/day

Failure to Maintain or Repair BMPs:

- No grading work shall be allowed on any site when the City Engineer determines that erosion, mud flow or sediment discharge may adversely affect downstream properties, drainage courses, storm drains, streets, easements, or public or private facilities or improvements.
- In the event of failure or refusal by the discharger to properly maintain devices, the City Engineer may cause emergency maintenance work to be done to protect adjacent private and public property. The cost shall be charged to the owner and shall include mobilization costs plus the costs of doing the work to eliminate hazardous conditions or emergency maintenance of erosion and sediment control devices.
- In the event the City Engineer must cause emergency work to be done, the City Engineer may revoke the grading permit. The permit shall not be renewed until approved erosion and sediment control system has been installed and owner has paid any applicable fees.

- If discharger does not install or maintain erosion and sediment controls, the City Engineer may order City crews to do the work or may issue contracts for such work and charge the cost of this work along with reasonable overhead charges to the cash deposits or other instruments implemented for this work without further notification to the owner.

Penalty for Violations of Permit Conditions:

- Any person who violates any permit condition of this General Permit is subject to a civil penalty not to exceed \$37,500 per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the Clean Water Act.

Revision of Permit Coverage for Change of Acreage or New Ownership:

- When the Legally Responsible Person (LRP) with active Construction Permit coverage transfers its LRP status to another person or entity that qualifies as an LRP, the existing LRP shall inform the new LRP of the Construction Permit's requirements.
- In order for the new LRP to continue the construction activity on its parcel of property, the new LRP, or the new LRP's approved signatory, must submit Permit Registration Documents (PRDs) in accordance with Construction Permit requirements.

Termination of Construction Permit Coverage:

- Prior to termination of coverage, the discharger shall provide certification to the City that final stabilization conditions have been satisfied.

The discharger is required to complete the Acknowledgement of Receipt of Notice of Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction and Land Disturbance Activities Notice Form to acknowledge receipt of this notice.

Please feel free to contact me at (541) 860-8250 or emaaher@MurrietaCA.gov should there be any questions regarding compliance with the NPDES requirements.

Sincerely,

Eric A. Maher, CESSWI, QSP

Contract Senior Public Works Inspector