

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION**

**ACL COMPLAINT NO. R3-2004-0073**

**Attachment 1**

**Applicable Permit Requirements**

**Pajaro Valley Unified School District  
Landmark Elementary School, Watsonville  
Santa Cruz County**

The following excerpts from the State Water Resources Control Board Order No. 99-08-DWQ, National Pollutant Discharge Elimination System General Permit No. CA000002, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity apply to Complaint No. R3-2004-0073:

**a. Discharging without Appropriate BMPs**

*Permit item A.2:* “Discharges of material other than storm water which are not otherwise authorized by an NPDES permit to a separate storm sewer system (MS4) or waters of the nation are prohibited, except as allowed in Special Provisions for Construction Activity, C.3.”

*Permit item C.3:* “Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP. Wherever feasible, alternatives which do not result in a discharge of nonstorm water shall be implemented in accordance with Section A.9 of the SWPPP requirements.”

*Permit item C.2:* See “b. Storm Water Pollution Prevention Plan” on page two.

*‘Section A’ item 1.c:* “A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented to address the specific circumstances for each construction site covered by this General Permit...The SWPPP shall be developed and amended or revised, when necessary, to meet the following objectives: ...c. Identify, construct, implement in accordance with a time schedule, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized nonstorm water discharges from the construction site during construction...”

**b. Storm Water Pollution Prevention Plan**

*Permit item C.2:* “All dischargers shall develop and implement a SWPPP in accordance with Section A: Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from their construction sites to the BAT/BCT performance standard.”

c. **SWPPP Availability**

*Permit 'Section A' item 3:* "The SWPPP shall remain on the construction site while the site is under construction during working hours, commencing with the initial construction activity and ending with termination of coverage under the General Permit."

d. **Erosion Control**

*Permit item C.2:* See "b. Storm Water Pollution Prevention Plan" above.

*Permit 'Section A' item 6:* "...At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites. The discharger shall consider measures such as covering with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding, and a variety of other measures. The SWPPP shall include a description of the erosion control practices, including a time schedule, to be implemented during construction to minimize erosion on disturbed areas of a construction site. The discharger must consider the full range of erosion control BMPs. The discharger must consider any additional site-specific and seasonal conditions when selecting and implementing appropriate BMPs. The above listed erosion control measures are examples of what should be considered and are not exclusive of new or innovative approaches currently available or being developed..."

e. **Sediment Control**

*Permit item C.2:* See "b. Storm Water Pollution Prevention Plan" above.

*Permit 'Section A' item 8:* "The SWPPP shall include a description or illustration of BMPs which will be implemented to prevent a net increase of sediment load in storm water discharge relative to preconstruction levels. Sediment control BMPs are required at appropriate locations along the site perimeter and at all operational inlets to the storm drain system at all times during the rainy season. Sediment control practices may include filtration devices and barriers (such as fiber rolls, silt fence, straw bale barriers, and gravel inlet filters) and/or settling devices (such as sediment traps or basins). Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly. A proposed schedule for deployment of sediment control BMPs shall be included in the SWPPP. These are the most basic measures to prevent sediment from leaving the project site and moving into receiving water..."

"...If the discharger chooses to rely on sediment basins for treatment purposes, sediment basins shall, at a minimum, be designed and maintained as follows..."

f. **BMP Maintenance, Inspection, and Repair**

*Permit item C.2:* See "b. Storm Water Pollution Prevention Plan" on page two.

*Permit 'Section A' item 11:* "The SWPPP shall include a discussion of the program to inspect and maintain all BMPs as identified in the site plan or other narrative documents throughout the entire duration of the project. A qualified person will be assigned the responsibility to conduct inspections. The name and telephone number of that person shall be listed in the SWPPP document. Inspections will be performed before and after storm events and once each 24-hour

period during extended storm events to identify BMP effectiveness and implement repairs or design changes as soon as feasible depending upon field conditions. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs shall be performed as soon as possible after the conclusion of each storm depending on worker safety...”

**g. Training**

*Permit item C.2:* See “b. Storm Water Pollution Prevention Plan” on page two.

*Permit ‘Section A’ item 12:* “Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained, and the SWPPP shall document training. This includes those personnel responsible for installation, inspection, maintenance, and repair of BMPs. Those responsible for overseeing, revising, and amending the SWPPP shall also document their training. Training should be both formal and informal, occur on an ongoing basis when it is appropriate and convenient, and should include training/workshops offered by the SWRCB, RWQCB, or other locally recognized agencies or professional organizations.”

**h. Site Inspections and Monitoring Records**

*Permit item C.4:* “All dischargers shall develop and implement a monitoring program and reporting plan in accordance with Section B: Monitoring Program and Reporting Requirements.”

*Permit ‘Section B’ item 3:* “Qualified personnel shall conduct inspections of the construction site prior to anticipated storm events, during extended storm events, and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity. The name(s) and contact number(s) of the assigned inspection personnel shall be listed in the 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. Best Management Practices (BMPs) shall be evaluated for adequacy and proper implementation and whether additional BMPs are required in accordance with the terms of the General Permit (see language in Section A.11. Maintenance, Inspection, and Repair). Implementation of nonstorm water discharge BMPs shall be verified and their effectiveness evaluated. One time discharges of non-storm water shall be inspected when such discharges occur.”

*Permit ‘Section B’ item 6:* “Records of all inspections, compliance certifications, and noncompliance reporting must be 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.”

**i. Compliance with Local Requirements**

*Permit item C.5:* “All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the RWQCBs to local agencies.”