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January 19, 2011

California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Attention: Bruce Wolfe, Executive Officer

Subject: Requirement to Submit 2009-10 Construction Site Inspection Information

Dear Mr. Wolfe:

Thank you for the opportunity to submit our C.6.e.ii.(4) data in compliance with C.6.e.iii.(3) as requested in your January 4, 2011 letter. This gives us the opportunity to provide the details that we hope are helpful to the Board, but it also give us the opportunity to correct an error.

In reviewing our details of our site inspection reports in relation to the Annual Report we find that an error has occurred. That error is that the statistical data to be entered on page 6-1 through 6-3, for reporting provisions C.6.e.iii.1.a through C.6.e.iii.1.h was not entered. Due to recent staff turnover, the report was prepared in parts by several people. Although we do not know for certain what happened, we can only conclude that the piece with the statistics was not merged into the final submitted report. This makes it appear that Concord did not perform construction site inspections, when in fact 100 inspections were performed for FY 2009-10. We are taking this opportunity to submit the complete Section - Provision C.6 Construction Site Controls information along with our response.

In looking at our table, although the fields are set up for the MRP data requirements, you will note a different data format for reports prior to December 2009. That is because the earlier reports were prepared based on the previous permit requirements. Those inspections were in response to rain event with runoff, so you will note that there are multiple reports for October. Also, based on the criteria of the old permit there are no reports for November 2009. That is because the total rainfall for the month, based on the records from the Ygnacio Valley Fire Station, Data Exchange Center Gauge YGF, was 0.38 inches over 6 days with a maximum of 0.22 inches. This is below the threshold definition of a rainstorm. Further the inspectors as part of their normal site inspection for construction progress did not report runoff or construction site related pollution problems in November.

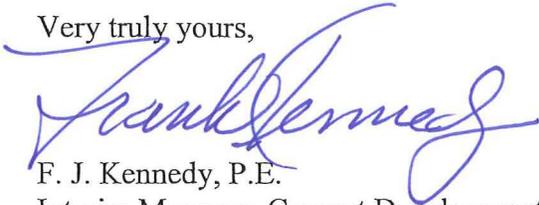
Requirement to submit 2009-10 Construction Site Inspection Information

January 19, 2011

Page 2 of 2

You will also note that there is an ongoing **violation to the City's Stormwater Management and Grading and Erosion Control Ordinance** (Kerr) that has not yet been resolved. The issue involves unpermitted improvements to a conveyance channel across a private property resulting in damage to the upstream City storm drain facility. The City is actively taking legal action against the property owner in order to mitigate the impact of the improvement and force the repair of the facility:

Very truly yours,



F. J. Kennedy, P.E.

Interim Manager, Current Development Engineering

Section 6 – Provision C.6 Construction Site Controls

C.6.a.iii ► Legal Authority

(For FY 09-10 Annual Report only) Is your agency's legal authority adequate for C.6 compliance? Yes No

If **No**, explain:

C.6.b.ii.(3) ► Enforcement Response Plan

(For FY 09-10 Annual Report only) Was your Enforcement Response Plan developed and implemented by April 1, 2010? Yes No

If **No**, explain:

C.6.e.iii.1.a, b, c ► Site/Inspection Totals

Number of sites disturbing < 1 acre of soil requiring storm water runoff quality inspection (i.e. High Priority) (C.6.e.iii.1.a)	Number of sites disturbing ≥ 1 acre of soil (C.6.e.iii.1.b)	Total number of storm water runoff quality inspections conducted (C.6.e.iii.1.c)
2	10	100

C.6.e.iii.1.d ▶ Construction Activities Storm Water Violations

BMP Category	Number of Violations ¹	% of Total Violations ²
Erosion Control	2	10
Run-on and Run-off Control	0	
Sediment Control	9	45
Active Treatment Systems	0	
Good Site Management	9	45
Non Stormwater Management	0	0
Total	20	100%

Notes:

¹Count one violation in a category for each site and inspection regardless of how many violations/problems occurred in the BMP category.

²Percentage calculated as number of violations in each category divided by total number of violations in all six categories.

C.6.e.iii.1.e ▶ Construction related storm water enforcement actions

	Enforcement Action (as listed in ERP) ¹	Number Enforcement Actions Taken	% Enforcement Actions Taken ²
Level 1		1	5
Level 2		0	
Level 3		9	47.5
Level 4		9	47.5
Total		19	100%

Notes:

¹Agencies should list the specific enforcement actions as defined in their ERPs.

²Percentage calculated as number of each type of enforcement action divided by the total number of enforcement actions.

C.6.e.iii.1.f, g ► Illicit Discharges

	Number
Number of illicit discharges, actual and those inferred through evidence (C.6.e.iii.1.f)	10
Number of sites with discharges, actual and those inferred through evidence (C.6.e.iii.1.g)	2

C.6.e.iii.1.h, i ► Violation Correction Times

	Number	Percent
Violations fully corrected within 10 business days after violations are discovered or otherwise considered corrected in a timely period (C.6.e.iii.1.h)	1	5% ²
Violations not fully corrected within 30 days after violations are discovered (C.6.e.iii.1.i)	18	95% ³
Total number of violations for the reporting year¹	19	100%

Notes:

¹Total number of violations equals the number of initial enforcement actions (i.e., one violation issued for several problems during an inspection at a site). It does not equal the total number of enforcement actions because one violation issued at a site may have a second enforcement action for the same violation at the next inspection if it is not corrected.

²Calculated as number of violations fully corrected in a timely period after the violations are discovered divided by the total number of violations for the reporting year.

³Calculated as number of violations not fully corrected within 30 days after the violations are discovered divided by the total number of violations for the reporting year.

C.6.e.iii.(2) ► Evaluation of Inspection Data

Describe your evaluation of the tracking data and data summaries and provide information on the evaluation results (e.g., data trends, typical BMP performance issues, comparisons to previous years, etc.).

Description:

Projects have slowed significantly from previous years. No trends or performance issues on which to comment. The violation that is continuing is being pursued through the courts.

C.6.e.iii.(2) ► Evaluation of Inspection Program Effectiveness

Describe what appear to be your program's strengths and weaknesses, and identify needed improvements, including education and outreach.

Description:

Concord's program is working fine. More training on C.3 provisions may be needed for contractors and developers.

C.6.f ► Staff Training Summary

Training Name	Training Dates	Topics Covered	No. of Inspectors in Attendance	Percent of Inspectors in Attendance
Contra Costa Construction Stormwater Management Compliance Workshop	March 18, 2010	<ol style="list-style-type: none">1. Municipal Regional Permit – What You Need to Know2. Understanding the New State General Construction Permit3. Regional Board Construction Inspection Program4. SWPPPs, State and Municipal Requirements, Compliance5. Sediment, Erosion Control and Construction Site Pollution Prevention6. Design & Construction of Post-Construction Low Impact Development Stormwater Facilities – Lessons Learned	One inspector plus one member of the Management Committee	50%