County of Santa Clara

Department of Planning and Development
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February 11, 2011

Mr. Bruce Wolf
Executive Officer
San Francisco Bay Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Subject: Revisions to Provision C.6 of the 2010 Annual Report

Dear Mr. Wolfe:

As a follow up to your letter dated January 4, 2011 requesting submission of the County's 2009-10 construction site inspection information pursuant to Provision C.6.e.iii.(3), the County performed a review of the inspection data and we would like to share with you certain discrepancies the County identified with what was reported in the Annual Report and the actual data. This letter explains the discrepancies and the revised tables for Provision C.6 have been attached.

Four County departments—Planning and Development, Facilities and Fleets, Roads and Airports, and Parks and Recreation—are subject to the Provision C.6. Each department is individually responsible for compliance with the MRP and has adopted policies and procedures to implement the MRP.

When the County prepared the 2009-10 Annual Report, each department completed sections of the Annual Report that were applicable to each individual department. The department reports were submitted to the Clean Water Coordinator and compiled into one report. For the Provision C.6, the departments only submitted the summary tables and it was not until the County compiled the inspection data to respond to your recent request that the Clean Water Coordinator reviewed the data that each department was tracking. Following further review and discussions with each department about the data submitted, the County identified certain discrepancies. Below is a discussion on the discrepancies for each data set for table C.6.e.iii.1.a,b,c Site/Inspection Totals.

<u>Sites Disturbing Less Than One Acre.</u>

Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith

	in Annual Report	inspections
Facilities and Fleet	26	26
Parks and Recreation	0	27
Planning and Development	396	165
Roads and Airports	1	0
Total	423	218

Additionally, during the 2010 Annual Report none of the Departments reported a violation. All of the departments reported verbal and written warnings. In the data tables Parks and Recreation have administrative actions, which is a written warning. Since all the inspections showed only verbal/written warnings the only other change is to table C.6.e.iii.1.e. There should be 14 verbal/written warnings under level 1 enforcement actions.

Since the 2010 Annual Report each of the departments has taken proactive steps to revise the inspection program to accurately collect all the necessary data required for the MRP.

If you have any questions or would like to discuss this in more detail please contact me at (408) 299-5737.

Thank you,

Clara Spaulding
Clean Water Coordinator

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?	X	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	X	No
If **No**, explain: The Department of Planning and Development had an ERP developed prior to April 1,2010. However due to the timing of Board of Supervisor Meetings, the ERP was not approved until April 13th. Implementation begun once the ERP was approved.				

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)
15	11	218

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

BMP Category	**Number of Violations[1]**	**% of Total Violations[2]**
Erosion Control	0	0%
Run-on and Run-off Control	0	0%
Sediment Control	0	0%
Active Treatment Systems	0	0%
Good Site Management	0	0%
Non Stormwater Management	0	0%
Total	**0**	**100%**

Notes:

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

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

	from county executive office for egregious violations that must be corrected immediately.		
Total		**14**	**100%**

Notes:

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

[2]Percentage 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)	0
Number of sites with discharges, actual and those inferred through evidence (C.6.e.iii.1.g)	1

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)	0	100%[2]
Violations not fully corrected within 30 days after violations are discovered (C.6.e.iii.1.i)	0	0%[3]
Total number of violations for the reporting year[1]	**0**	**100%**

Notes:

[1]Total 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.

[2]Calculated 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.

[3]Calculated 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: The Department of Planning and Development has a construction inspection program to inspect private projects in the unincorporated areas of the Santa Clara County. The Departments of Roads and Airport, Facilities and Fleets and Parks and Recreation have their