



## SECTION A-8, CONSTRUCTION

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### A-8.0 CONSTRUCTION COMPONENT

#### A-8.1 Introduction

The City of Newport Beach has incorporated the model construction program described in **DAMP Section 8.4** as the basis for this section of its Local Implementation Plan. This construction program presents requirements and guidelines for pollution prevention methods that must be used by construction site owners, developers, contractors, and other responsible parties, in order to protect water quality from discharges from construction site activities. Subsequent sections describe and outline how the city has implemented the program within its jurisdiction.

##### A-8.1.1 Overall Program Management

The City of Newport Beach has key staff responsible for overseeing, implementing, and enforcing the program.

##### A-8.1.2 Implementation

The following outlines and describes City departments that are involved in issuing building and/or grading permits for private development projects and are responsible for inspecting these projects during construction, or that manage public works construction projects that have a potential to impact water quality.

###### *Public Works Department*

Contact Name: Steve Badum

Title: Public Works Director

Telephone: 949.644.3344

Address: 3300 Newport Blvd., Newport Beach, CA 92663

The Public Works Department develops, and builds the City's infrastructure, including streetscapes, open space, parks, athletic fields, bike trails, roadways, and traffic signals.

###### *Planning Department*

Contact Name: Patricia Temple

Title: Planning Director

Telephone: 949.644.3200

Address: 3300 Newport Blvd., Newport Beach, CA 92663

Responsible for implementing the policies and objectives of the community as set forth in the municipality's General Plan and Zoning Ordinance. This division also reviews proposed developments for consistency with the City's standards and policies relating to land use and



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preservation of the environment (CEQA), to ensure that the quality-of-life will be maintained or enhanced for future generations.

### *Building Department*

Contact Name: Jay Elbettar

Title: Building Director

Telephone: 949.644.3275

Address: 3300 Newport Blvd., Newport Beach, CA 92663

Responsible for overseeing that all building construction in the City complies with adopted codes, and that permitting and licensing systems are efficient and serve the needs of the public, as well as the City.

### *General Services Department*

Contact Name: David E. Niederhaus

Title: General Services Director

Telephone: 949.644.3055

Address: 592 Superior Ave., Newport Beach, CA 92663

Responsible for the City's Field Maintenance, Operations Support, Refuse, Park Maintenance, Street Trees, Street Sweeping, Equipment Maintenance, and Equipment Replacement.

### *Wastewater Division (Utilities Department)*

Contact Name: Jim Delicce

Title: Utilities Supervisor

Telephone: 949.718.3415

Address: 949 West 16<sup>th</sup> Street, Newport Beach, CA 92663

Responsible for construction, operation and maintenance of all municipal wastewater facilities.

### *Water Production Division (Utilities Department)*

Contact Name: George Murdoch

Title: Utilities Supervisor

Telephone: 949.718.3422

Address: 949 West 16<sup>th</sup> Street, Newport Beach, CA 92663

Responsible for construction, operation and maintenance of all municipal potable water facilities.

## **A-8.2 Inventory of Construction Sites**

A watershed-based inventory of all construction sites has been developed. This includes all sites meeting the definition of a construction project provided in **DAMP Section 8.4.1**, including



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those covered by the State General Permit<sup>1</sup>, a local grading permit, a local building permit, or public works construction projects.

The City of Newport Beach's comprehensive watershed-based construction site inventory is included in **Exhibit A-8.I**. The inventory will at a minimum be updated prior to the start of each wet season (October 1). During the update process, projects for which building or grading permit(s) have expired or have been closed, and projects that have been completed, will be removed from the inventory. New projects will also be added to the inventory as they are initiated.

### **A-8.3 Prioritization of Construction Sites**

After the inventory is compiled, construction projects will be prioritized into high, medium, or low categories, based on the threat to water quality and the procedures set forth in DAMP Section 8.4.3. Priorities will at a minimum be updated annually in conjunction with the annual update of the inventory.

### **A-8.4 BMPs for Construction Projects**

All construction projects, regardless of size or priority, are required to implement BMPs to prevent discharges into the storm drain system or watercourses. **DAMP Section 8.4.4.1** specifies minimum requirements for all projects and specific site management requirements for high and medium priority projects.

All private and public works construction projects are required, at a minimum, to implement and be protected by an effective combination of erosion and sediment controls and waste and materials management BMPs. The minimum requirements are summarized in Table 8-6 of the DAMP (also shown below). These minimum requirements are conveyed to construction contractors as part of the permit conditions and plan notes.



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**Table A-8.1**  
**Minimum Requirements for All Construction Sites**

CATEGORY	MINIMUM REQUIREMENTS
Erosion and Sediment Control	Sediments from areas disturbed by construction shall be retained on site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.
Waste and Materials Management Control	Construction-related materials, wastes, spills or residues shall be retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.

### *Construction BMPs*

The City of Newport Beach has designated construction-specific BMPs as set forth in DAMP Section 8.4.4. **Table A-8.2** below describes the proposed BMPs designated for use with this LIP. Copies of the corresponding BMP fact sheets are included as **Exhibit A-8.II**



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**Table A-8.2  
Designated Construction BMPs**

CATEGORY	BMP #	BMP NAME
<b>Erosion Control BMPs</b>	EC-1	Scheduling
	EC-2	Preservation of Existing Vegetation
	EC-3	Hydraulic Mulch
	EC-4	Hydroseeding
	EC-5	Soil Binders
	EC-6	Straw Mulch
	EC-7	Geotextiles, Plastic Covers & Erosion Control Blankets/ Mats
	EC-8	Wood Mulching
	EC-9	Earth Dikes/ Drainage Swales & Lined Ditches
	EC-10	Outlet Protection/ Velocity Dissipation Devices
	EC-11	Slope Drains
<b>Sediment Control BMPs</b>	SE-1	Silt Fence
	SE-2	Desilting Basin
	SE-3	Sediment Trap
	SE-4	Check Dam
	SE-5	Fiber Rolls
	SE-6	Gravel Bag Berm
	SE-7	Street Sweeping and Vacuuming
	SE-8	Sandbag Barrier
	SE-9	Straw Bale Barrier
	SE-10	Storm Drain Inlet Protection
	SE-11	Chemical Treatment
<b>Wind Erosion Control BMPs</b>	WE-1	Wind Erosion Control
<b>Tracking Control BMPs</b>	TC-1	Stabilized Construction Entrance/ Exit
	TC-2	Stabilized Construction Roadway
	TC-3	Entrance/Outlet Tire Wash
<b>Non-Stormwater Control BMPs</b>	NS-1	Water Conservation Practices
	NS-2	Dewatering Operations
	NS-3	Paving and Grinding Operations
	NS-4	Temporary Stream Crossing
	NS-5	Clear Water Diversion
	NS-6	Illicit Connection/Illegal Discharge Detection and Reporting
	NS-7	Potable Water/Irrigation
	NS-8	Vehicle and Equipment Cleaning
	NS-9	Vehicle and Equipment Fueling
	NS-10	Vehicle and Equipment Maintenance
	NS-11	Pile Driving Operations
	NS-12	Concrete Curing
	NS-13	Concrete Finishing
NS-14	Material and Equipment Use Over Water	
NS-15	Structure Demolition/Removal Over or Adjacent to Water	
NS-16	Temporary Batch Plants	



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CATEGORY	BMP #	BMP NAME
Waste Manage. & Mat Pollution Control BMPs	WM-1	Material Delivery and Storage
	WM-2	Material Use
	WM-3	Stockpile Management
	WM-4	Spill Prevention and Control
	WM-5	Solid Waste Management
	WM-6	Hazardous Waste Management
	WM-7	Contaminated Soil Management
	WM-8	Concrete Waste Management
	WM-9	Sanitary/ Septic Waste Management

### *BMP Standard Plans*

Accepted standard plans for construction BMPs are found in the Orange County Environmental Management Agency (Now PFRD) Standard Plans, 1996 Edition. The following BMPs standard plans are included in **Exhibit A-8.III**:

- Sandbag Velocity Reducer (No. 1328)
- Temporary Drainage Inlet (No. 1330)

### **A-8.5 Documentation Requirements**

The City of Newport Beach has adopted the documentation requirements provided in **DAMP Section 8.4.5**. These requirements apply equally to private development and public works projects.

#### *Requirements for General Permit Sites*

Construction sites that are subject to the General Permit are required to prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) meeting the requirements of the General Permit. A Model SWPPP Template has been included as **Exhibit A-8.IV** as a guide for the information that should be included in a SWPPP.

#### *Private Construction Projects Covered by the General Permit*

The following bullets describe the process that is followed by a private construction project:

- The project owner, developer or contractor is responsible for preparing the Notice of Intent (NOI), which must be signed by the owner or person delegated authority and submitted to the State Water Resources Control Board (SWRCB). Before issuing a grading or building



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permit, the city will require proof of General Permit coverage (See conditions of approval **Section A-7.5.3**).

- Once the project owner, developer or contractor receives a grading or building permit (if applicable), the SWPPP must be prepared by the owner, developer or contractor, and signed by the responsible party and must be implemented year-round throughout the duration of the project's construction. City staff are not responsible for reviewing, approving or enforcing the SWPPP; these are responsibilities of the Regional Board. Inspector(s) may choose to use the SWPPP as a tool for on-site inspections.
- The city will inspect and enforce local permit(s) and ordinances, and will notify the Regional Board of non-compliance when the non-compliance meets the criteria of posing a threat to human or environmental health as discussed in **DAMP Section 8.4.6**.
- Once project construction is completed and the site fully complies with the final stabilization requirements of the General Permit, the owner/ developer will submit a Notice of Termination (NOT) to the SWRCB.

### *Public Agency Construction Projects Covered by the General Permit*

The following bullets describe the process that is followed by a public works construction project:

- The City of Newport Beach will notify the SARWQCB via an informal Notification of Construction Activity.
- The SWPPP will be prepared by the City of Newport Beach or its contractor, before the contractor is allowed to start construction activities. It is important to note that city staff is not responsible for enforcing the SWPPP, these are responsibilities of the SARWQCB; but inspectors are required to become familiar with the SWPPP as it is part of the contract documents.
- During construction, the City of Newport Beach will inspect and enforce the contract documents and will notify the appropriate SARWQCB when non-compliance meets the criteria of posing a threat to human or environmental health as discussed in Section 8.4.6 of the DAMP.
- Once the project is completed, the City of Newport Beach will inform the SARWQCB of the project's completion.



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### *Requirements for Other Sites*

#### ***Private Construction Projects Not Covered by the General Permit***

Private construction projects not covered by the General Permit, but covered under a grading permit, are required to develop Erosion and Sediment Control Plans (ESCPs). These ESCPs must show proposed locations of the erosion and sediment control BMPs that will be implemented during the construction project to comply with the minimum requirements listed in **Table A-8.1**.

#### ***Public Works Construction Projects Not Covered by the General Permit***

Public agency construction projects not covered by the General Permit are required by **DAMP Section 8.4** to comply with appropriate pollution prevention control practices in accordance with the current edition of the "Green Book" Standard Specifications for Public Works Construction and the provisions of Section A-8, and shall develop and implement ESCPs. Low priority construction sites shall meet the minimum requirements listed in Table 8-6 of Section 8.4.4 of the DAMP.

### **A-8.6 Municipal Inspection Requirements of Construction Sites and Reporting Requirements**

#### *Inspection Responsibilities*

The City of Newport Beach will perform inspections of construction sites to verify that the requirements in **DAMP Section 8.4.6** are being implemented and maintained. That they appropriately comply with local permits, ordinances, the General Permit (for public works projects covered by the General Permit), and that they continue to protect water quality. Construction sites are inspected, according to the established priority, until construction activity is complete.



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### *Inspection Frequencies*

The City of Newport Beach will inspect construction sites based upon the priority of the project. The frequency of construction site inspections is shown in **Table A-8.3**:

**Table A-8.3**

Construction Site Priority	Rainy Season (October 1 - April 30)	Dry Season (May 1 - September 30)
HIGH	Once per month	As needed
MEDIUM	Twice during the season	As needed
LOW	Once during the season	As needed

### *Inspection Documentation Procedures*

The City of Newport Beach's construction site inspection checklist is included in **Exhibit A-8.V**. Records of all inspections and non-compliance reporting will be retained for a period of at least three years.

### *Enforcement Actions*

Enforcement of construction projects will be undertaken by the City of Newport Beach's inspectors and/or other staff who possess internal enforcement authority through established policies and procedures. Threat to water quality will be assessed by inspectors for construction site runoff that is not reasonably controlled by the BMPs in place or if a failure of BMPs is resulting in the release of sediments or other pollutants. Violations observed will be documented by the inspectors.

If a significant and/or immediate threat to water quality is observed by an inspector, action will be taken requiring the developer/contractor to immediately cease the discharge. **Table A-8.4** outlines the City of Newport Beach's enforcement steps that will be taken by inspectors for private construction projects and for public works construction projects. Depending on the violation, the inspector may choose to utilize contract language, a local permit, the grading ordinance or the water quality ordinance as the basis for enforcement.



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**Table A-8.4**

*Enforcement Actions for Construction Projects*

PRIVATE CONSTRUCTION PROJECTS	PUBLIC WORKS CONSTRUCTION PROJECTS
Verbal Warning	Verbal Warning
Written Warning <ul style="list-style-type: none"> <li>▪ Notice of Violation</li> <li>▪ Administrative Citation (including enforcement of Grading &amp; Water Quality Ordinances)</li> </ul>	Written Warning <ul style="list-style-type: none"> <li>▪ Notice of Violation</li> <li>▪ Administration Citation (including enforcement of Grading &amp; Water Quality Ordinances)</li> </ul>
Stop Work Order	Enforcement of Contract
Revocation of Permit(s) and/or Denial of Future Permits	<ul style="list-style-type: none"> <li>▪ Withholding of Payment</li> <li>▪ Bond</li> <li>▪ Fines</li> <li>▪ Stop Work Order</li> <li>▪ Revocation of Contract</li> </ul>
Civil and Criminal Court Actions	Civil and Criminal Court Actions

The City of Newport Beach’s approved enforcement forms used by inspection staff are provided in **Exhibit A-8.VI**.

*Non-Compliance Reporting*

The City of Newport Beach will consider a site non-compliant when one or more violations of local ordinances, permits, or plans exist on the site. For the purpose of this document, such a violation shall also be considered a violation of the General Construction Permit for sites subject to those requirements. If a non-compliant private construction project meets the criteria of posing a threat to human or environmental health as discussed in Section 8.4.6 of the DAMP, then the SARWQCB will be notified as required.

Oral notification to the SARWQCB for non-compliant private construction sites that are determined to pose a threat to human or environmental health will be provided within 24-hours of the discovery of non-compliance. Such oral notification shall be followed up by a written report and submitted to the SARWQCB within 5 days of the incidence of non-compliance. Written report(s) will identify the type(s) of non-compliance, describe the actions necessary to achieve compliance, and include a time schedule, subject to modifications by the SARWQCB indicating when compliance will be achieved.



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A form for evaluating the potential impacts to human or environmental health is provided in **Exhibit A-8.VII**.

### **A-8.7 Education and Training**

To assist responsible municipal staff and contract staff in understanding the DAMP's Model Construction Program, annual training sessions will be conducted. In addition to Permittee sponsored training, staff may also attend training seminars or workshops related to general water quality and stormwater management during construction, conducted by other organizations.

#### A-8.7.1 Training Modules

Two training modules have been prepared that cover different aspects of the Model Construction Program. These modules are provided in **DAMP Appendix B, Section B-8**.

##### *Construction Program Management (DAMP Appendix B, Exhibit B-8.I)*

This training module is targeted to staff responsible for managing the NPDES program for construction and will address: the laws and regulations applicable to construction and grading activities; the connection between construction activities and water quality; inventory and prioritization of construction sites; implementation of construction site BMPs; documentation and enforcement requirements; reporting procedures for non-compliance; program effectiveness assessment; and training.

##### *Inspecting Construction Site BMPs (DAMP Appendix B, Exhibit B-8.II)*

This training module is targeted to staff responsible for conducting inspections of both private and public construction sites and will address: the laws and regulations applicable to construction and grading activities; the connection between construction activities and water quality; inspection of construction site BMPs; documentation and enforcement procedures; and examples of what to look for in construction site BMPs.

### **A-8.8 Program Effectiveness Assessment**

The overall Program Effectiveness Assessment (PEA) serves as the foundation for the submittal of the annual progress report that is submitted each year to the Principal Permittee and subsequently to the Regional Boards and serves as the basis for evaluating each municipality's individual construction program efforts (See **DAMP Appendix C, Section C-8**).

The PEA allows each municipality to assess the effectiveness of their individual stormwater program components including those focused on addressing stormwater and non-stormwater discharges associated with construction activity. The construction program effectiveness



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assessment will enable the City to evaluate the effectiveness of the local program by focusing on data collected from the inventorying, prioritization, inspection and enforcement of construction projects as well as training records.