



# California Regional Water Quality Control Board Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
[www.waterboards.ca.gov/santaana](http://www.waterboards.ca.gov/santaana)

Arnold Schwarzenegger  
Governor

June 27, 2007

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

TO: School Districts within Santa Ana Regional Water Quality Control Board Jurisdiction  
(see attached mailing list)

## **SCHOOL DISTRICTS' OBLIGATIONS UNDER THE STORM WATER PROGRAM**

### **I. GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT**

The 1987 Clean Water Act amendments added Section 402(p) that requires a National Pollutant Discharge Elimination System (NPDES) permit for discharge of storm water from municipal facilities and industrial activities. The industrial activities referenced in Section 402(p)(B) of the Clean Water Act include construction activities as specified in Title 40 Code of Federal Regulations (40 CFR), Sections 122.26(b)(14) and (15). In accordance with these laws and regulations, the State issued the General Permit, Order No. 99-08-DWQ, NPDES No. CAS000002, for regulating storm water runoff from construction sites. *Neither the federal laws and regulations, nor the state laws and regulations, including the General Permit, exempt public school projects from the requirement to obtain an NPDES permit for storm water runoff from construction sites.* This requirement for school districts is clearly discussed on the State Water Resources Control Board's (State Board) website under "Frequently Asked Questions Related to School Construction" at:

<http://www.waterboards.ca.gov/stormwtr/schoolconstfaq.html>

This letter is to remind all school districts within this Regional Board's jurisdiction that failure to comply with the General Permit is a violation of the General Permit, the California Water Code and the federal Clean Water Act and violators could be subject significant penalties. A copy of the General Permit can be downloaded from:

<http://www.waterboards.ca.gov/stormwtr/docs/finalconstpermit.pdf>

The attached brochure briefly explains the school districts responsibilities under the General Permit including the requirement for the installation and maintenance of effective post-construction pollution control measures, preferably equivalent to those specified in the Water Quality Management Plan (WQMP) for the county. WQMP for each county are located online at:

Orange County:

[http://www.waterboards.ca.gov/santaana/ocpermit/WQMP\\_09-22-03.pdf](http://www.waterboards.ca.gov/santaana/ocpermit/WQMP_09-22-03.pdf)

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June 27, 2007

Riverside County:

[http://www.waterboards.ca.gov/santaana/rcpermit/WQMP\\_09-17-04.pdf](http://www.waterboards.ca.gov/santaana/rcpermit/WQMP_09-17-04.pdf)

San Bernardino County:

[http://www.waterboards.ca.gov/santaana/sbpermit/WQMP\\_Guidance\\_04-14-04.pdf](http://www.waterboards.ca.gov/santaana/sbpermit/WQMP_Guidance_04-14-04.pdf)

**II. COMPLIANCE WITH LOCAL ORDINANCES - GOVERNMENT CODE SECTION 53097**

Section 53097 of the California Government Code requires the school districts to comply with certain city and county ordinances. *Therefore, we request that you coordinate the school construction activities with the county and/or the city.*

**III. COMPLIANCE WITH THE PHASE II STORM WATER REGULATIONS - NON-TRADITIONAL SMALL MUNICIPAL SYSTEMS/SCHOOL DISTRICTS**

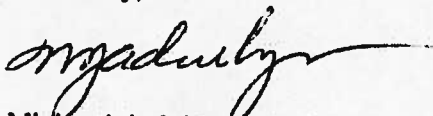
The State Board issued a general permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (WQ Order No. 2003-0005-DWQ) (Small MS4 Permit) to regulate storm water discharges from small municipalities and non-traditional small MS4s, including school districts. While this Regional Board has not yet designated any school district as requiring coverage under the Small MS4 Permit, that authority can and will be exercised in the case of school districts that violate the above regulations. Additional information regarding this permit is available at:

[http://www.waterboards.ca.gov/stormwtr/docs/final\\_sm\\_ms4\\_fact\\_order.pdf](http://www.waterboards.ca.gov/stormwtr/docs/final_sm_ms4_fact_order.pdf)

If you have any questions or comments regarding your obligations under the storm water program, please call us.

School District County	Regional Board Staff Contact	Phone Number
Orange County	Patrice Copeland	(951) 321-4576
Riverside County	Keith Elliott	(951) 782-4925
San Bernardino County	Muhammad Bashir	(951) 320-6396

Sincerely,



Michael J. Adackapara  
Division Chief

Enclosure: Construction Activities under School District Jurisdiction

Cc by email: Municipal NPDES MS4 Coordinators  
State Water Resources Control Board, Division of Water Quality –  
Greg Gearheart

**California Environmental Protection Agency**



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# California Regional Water Quality Control Board

## Santa Ana Region



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### School Districts within Santa Ana Regional Water Quality Control Board Jurisdiction

Janet Morey  
Superintendent  
Alta Loma School District  
9390 Baseline Road  
Alta Loma, CA 91701-5821

Lew Becker  
Superintendent  
Buena Park School District  
6885 Orangethorpe Avenue  
Buena Park, CA 90620-1348

Paul Jessup  
Superintendent  
Alvord Unified School District  
10365 Keller Avenue  
Riverside, CA 92505-1349

Sharon Nagel  
Superintendent  
Central School District  
10601 Church Street, Suite 112  
Rancho Cucamonga, CA 91730-3598

Sandra Berry  
Superintendent  
Anaheim City School District  
1001 S. East Street  
Anaheim, CA 92805-5749

Diane Scheerhom  
Superintendent  
Centralia School District  
6625 LaPalma Avenue  
Buena Park, CA 90620-2859

Joseph Farley,  
Superintendent  
Anaheim Union High School District  
501 Crescent Way  
Anaheim, CA 92803-5401

Barry Cadwallader  
Superintendent  
Chaffey Joint Union High School District  
211 W. Fifth Street  
Ontario, CA 91762-1653

Barry Kayrell  
Superintendent  
Beaumont Unified School District  
500 Grace Avenue  
Beaumont, CA 92223-2156

Edmond Heatly  
Superintendent  
Chino Valley Unified  
5130 Riverside Drive  
Chino, CA 91710-4130

Carole Ferraud  
Superintendent  
Bear Valley Unified School District  
P.O. Box 1529  
Big Bear Lake, CA 92315-1529

James Downs  
Superintendent  
Colton Joint Unified School District  
1212 Valencia Drive  
Colton, CA 92324-1798

Tim Harvey  
Superintendent  
Brea-Olinda Unified School District  
1 Civic Center Circle, Level II  
Brea, CA 92821-0300

Lee Pollard  
Superintendent  
Corona-Norco Unified School District  
2820 Clark Avenue  
Norco, CA 92860-1903

*California Environmental Protection Agency*



**Claudia Maindenberg**  
Superintendent  
Cucamonga School District  
8776 Archibald Avenue  
Rancho Cucamonga, CA 91730-4634

**Sheri Loewenstein**  
Superintendent  
Cypress School District  
9470 Moody Street  
Cypress, CA 90630-2919

**Shawn Judson**  
Superintendent  
Etiwanda School District  
6061 East Avenue  
Etiwanda, CA 91739-0248

**Jane Smith**  
Superintendent  
Fontana Unified School District  
9680 Citris Avenue  
Fontana, CA 92335-5571

**Marc Ecker**  
Superintendent  
Fountain Valley School District  
10055 Slater Avenue  
Fountain Valley, CA 92708-4749

**Cameron McCune**  
Superintendent  
Fullerton School District  
1401 W. Valencia Drive  
Fullerton, CA 92833-3938

**George Giokaris**  
Superintendent  
Fullerton Joint Union High School District  
1051 W. Bastanchury Road  
Fullerton, CA 92833-2247

**Laura Schwalm**  
Superintendent  
Garden Grove Unified School District  
10331 Stanford Avenue  
Garden Grove, CA 92840-6351

**Phil Pendley**  
Superintendent  
Hemet Unified School District  
2350 W. Latham Avenue  
Hemet, CA 92545-3654

**Roberta DeLuca**  
Superintendent  
Huntington Beach City School District  
20451 Cramer Lane  
Huntington Beach, CA 92646-0071

**Van Riley**  
Superintendent  
Huntington Beach Union High School  
5832 Bolsa Avenue  
Huntington Beach, CA 92649-1115

**Gwen Gross**  
Superintendent  
Irvine Unified School District  
5050 Barranca Parkway  
Irvine, CA 92604-4652

**Elliott Duchon**  
Superintendent  
Jurupa Unified School District  
4850 Pedley Road  
Riverside, CA 92509-3966

**Richard Hermann**  
Superintendent  
La Habra City School District  
500 N. Walnut Street  
La Habra, CA 90631-3769

**Frank Passarella**  
Superintendent  
Lake Elsinore Unified School District  
545 Chaney Street  
Lake Elsinore, CA 92530-2712

**Carol Hart**  
Superintendent  
Los Alamitos Unified School District  
10293 Bloomfield Street  
Los Alamitos, CA 90720-2264



Paul Mercier  
Superintendent  
Magnolia School District  
2705 W. Orange Avenue  
Anaheim, CA 92804-3203

Linda Callaway  
Superintendent  
Menifee Union School District  
30205 Menifee Road  
Menifee, CA 92584-8109

Rowena Lagrosa  
Superintendent  
Moreno Valley Unified School District  
25634 Alessandro Boulevard  
Moreno Valley, CA 92553-4916

Rick Carr  
Superintendent  
Mountain View Elementary School District  
2585 S. Archibald Avenue  
Ontario, CA 91761-7499

Jay Hoffman  
Superintendent  
Nuview Union School District  
29780 Lakeview Avenue  
Nuevo, CA 92567-9706

Jeffrey Hubbard  
Superintendent  
Newport-Mesa Unified School District  
2985-A Bear Street  
Costa Mesa, CA 92626-4300

Edward Sussman  
Superintendent  
Ocean View School District  
17200 Pinehurst Lane  
Huntington Beach, CA 92647-5569

Sharon McGehee  
Superintendent  
Ontario-Montclair School District  
950 W. D Street  
Ontario, CA 91762-3026

William Habermehl  
Superintendent  
Orange County Department of Education  
P.O. Box 9050  
Costa Mesa, CA 92628-9050

Thomas Godley  
Superintendent  
Orange Unified School District  
1401 N. Handy Street  
Orange, CA 92867-4434

Edward Agundez  
Superintendent  
Perris Elementary School District  
143 E. First Street  
Perris, CA 92570-2113

Jonathan Greenburg  
Superintendent  
Perris Unified High School District  
155 E. Fourth Street  
Perris, CA 92570-2124

Dennis Smith  
Superintendent  
Placentia-Yorba Linda Unified School District  
1301 E. Orangethorpe Avenue  
Placentia, CA 92870-5302

Robert Hodges  
Superintendent  
Redlands Unified School District  
P.O. Box 3008  
Redlands, CA 92373-1508

Edna Davis-Herring  
Superintendent  
Rialto Unified School District  
182 E. Walnut Avenue  
Rialto, CA 92376-3598

David Long  
Superintendent  
Riverside County Office of Education  
P.O. Box 868  
Riverside, CA 92502-0868



Susan Rainey  
Superintendent  
Riverside Unified School District  
3380 14th Street  
Riverside, CA 92501-3810

Gary Rutherford  
Superintendent  
Upland Unified School District  
390 N. Euclid Avenue  
Upland, CA 91786-0256

Robbie Plough  
Superintendent  
Romoland Elementary School District  
25900 Leon Road  
Homeland, CA 92548-9141

C. Fred Workman  
Superintendent  
Val Verde Unified School District  
975 W. Morgan Street  
Perris, CA 92571

Arturo Delgado  
Superintendent  
San Bernardino City Unified School District  
777 N. F Street  
San Bernardino, CA 92410-3017

Roberta Mahler  
Superintendent  
Westminster School District  
14121 Cedarwood Avenue  
Westminster, CA 92683-4437

Herbert R. Fischer  
Superintendent  
San Bernardino County  
Superintendent of Schools  
601 N. E Street  
San Bernardino, CA 92410-3012

Mitch Hovey  
Superintendent  
Yucaipa-Calimesa  
Joint Unified School District  
12797 Third Street  
Yucaipa, CA 92399-4544

Shari Fox  
Superintendent  
San Jacinto Unified School District  
2045 S. San Jacinto Avenue  
San Jacinto, CA 92583-5626

Jane Russo  
Superintendent  
Santa Ana Unified School District  
1601 E. Chestnut Avenue  
Santa Ana, CA 92701-6322

Sue Johnson  
Superintendent  
Savanna Elementary School District  
1330 S. Knott Avenue  
Anaheim, CA 92804-4798

Richard Bray  
Superintendent  
Tustin Unified School District  
300 S. C Street  
Tustin, CA 92780-3695



# CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

## CONSTRUCTION ACTIVITIES UNDER SCHOOL DISTRICT JURISDICTION

### Storm Water

#### YOUR RESPONSIBILITIES

School districts are responsible for obtaining coverage under the General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) prior to commencement of construction activities.

Activities for which General Permit coverage must be obtained include clearing, grading, stockpiling, excavation that results in soil disturbances of at least one acre of total land area, and construction activity that results in soil disturbances of less than one acre but is part of a larger plan of development that encompasses one or more acres of soil disturbing activities.

*Permit coverage criteria are based on the total disturbed area, not the dimensions of the final project.*

To obtain coverage, school districts must submit a Notice of Intent (NOI), site and vicinity maps, and the appropriate fee to the State Water Resources Control Board. Copies of the General Permit and NOI may be obtained online at: <http://www.waterboards.ca.gov/stormwtr/construction.html>.

In addition, prior to commencement of construction activities, applicant shall develop an adequate Storm Water Pollution Prevention Plan (SWPPP) for the project.

The SWPPP must contain maps, a description of potential pollutants, pollution control measures, monitoring, and long-term post-construction pollution control measures.

The SWPPP must remain on the construction site from the commencement of soil disturbing activities until termination of coverage under the General Permit.

#### SCHOOL DISTRICT RESPONSIBILITIES

- Obtain permit coverage and prepare a site-specific SWPPP prior to soil disturbing activities
- Prepare vicinity and site maps
- Identify potential pollutants
- Develop and implement control measures to address potential pollutants
- Design, install, and maintain post-construction pollution control measures
- Monitor the effectiveness of your control measures
- Audit program annually
- Training for responsible staff & contractors
- Comply with local ordinances regulating grading and drainage

#### VICINITY MAP & SITE MAP

The SWPPP shall include a vicinity map locating the project site with respect to easily identifiable major roadways and a site map that shows the construction project in detail. These maps must not exceed 11" x 17" in dimension.

At a minimum, the site map must show the construction site perimeter; existing and

proposed buildings, lots, roadways, storm water collection and discharge points; general topography both before and after construction, drainage patterns, and the anticipated discharge location(s) where the storm water from the construction site discharges to a municipal storm sewer system or other water body, and show the placement of pollutant control measures.

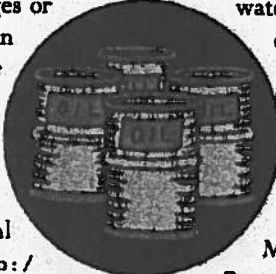


**TRAINING**

Individuals responsible for SWPPP preparation, implementation at the project site, and permit compliance shall receive appropriate ongoing training that is documented in the SWPPP.

**POTENTIAL POLLUTANTS & CONTROL MEASURES**

The SWPPP must inventory potential sources which are likely to add pollutants to storm water discharges or which may result in non-storm water discharges. Caltrans Pollutant Testing Guidance Table may be helpful when itemizing potential pollutants ([http://www.dot.ca.gov/hq/construc/stormwater/sw\\_attachments/attachment\\_s.doc](http://www.dot.ca.gov/hq/construc/stormwater/sw_attachments/attachment_s.doc)).



Potential pollutants include past uses of the site that may contribute pollutants to storm water, existing site conditions.

Pollution control measures are known as Best Management Practices (BMPs).

Sites are required to have an effective combination of BMPs, including erosion control,

sediment control, dust control, and non-storm water management.

The California Stormwater Quality Association (CASQA) provides an online handbook describing BMPs and a sample SWPPP (<http://www.cabmphandbooks.com>).

The SWPPP is a "living document." If BMPs are not effective, the SWPPP must be amended to improve BMP performance.

**ANNUAL CERTIFICATION**

School Districts must certify annually that construction activities are in compliance with the requirements of the General Permit and the SWPPP.

**MONITORING**

A qualified person who will conduct inspections must be identified in the SWPPP. Documented 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. These site inspections must be documented and records kept

with the SWPPP. Equipment, materials, and workers must be available for rapid response to failures and emergencies.

A sampling and analysis program shall be developed and conducted for pollutants which are not visually detectable in storm



water discharges, which are or should be known to occur on the construction site.

Records of all inspections, compliance certifications, and noncompliance reporting must be retained for a period of at least three years from the date generated.

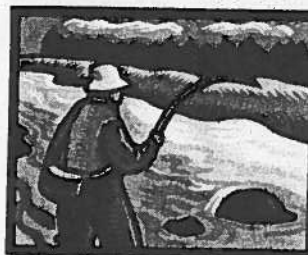
**PENALTIES**

School Districts who violate any permit condition of this General Permit are subject to a civil penalty not to exceed \$27,500 per calendar day of such violation.

**POST-CONSTRUCTION BMPs**

The SWPPP shall include descriptions of the BMPs to reduce pollutants in storm water discharges after all construction phases have been completed at the site (Post-Construction BMPs). Post-Construction BMPs include the minimization of land disturbance, the minimization of impervious surfaces, treatment of storm water

runoff using infiltration, detention/retention, biofilter BMPs, use of efficient irrigation systems, ensuring



that interior drains are not connected to a storm sewer system, and appropriately designed and constructed energy dissipation devices. Operation and maintenance of control practices after construction is completed shall be addressed, including short-and long-term funding sources and the responsible party.



**COUNTY OF ORANGE**  
**PUBLIC FACILITIES & RESOURCES DEPARTMENT**

NPDES File - 3.3.10.17  
Vicki L. Wilson, Director

10852 Douglass Road  
Anaheim, CA 92806

Telephone: (714) 567-6363  
Fax: (714) 567-6220

July 26, 2000

To: Distribution

**Subject: Applicability of Storm Water Requirements for School Districts**

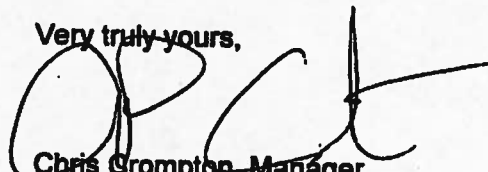
Dear Permittee Representative:

As requested at the July 20, 2000 Permittee meeting, this letter is being sent out to provide some guidance regarding school district compliance with storm water requirements. This letter provides the same guidance that was distributed in an earlier 1998 correspondence.

In July 1998 the Santa Ana Regional Water Quality Control Board and the State Water Resources Control Board asked the Orange County Stormwater Program Permittees to make use of Government Code Section 53097 in having local school districts comply with each municipality's model ordinance, which has provisions requiring Best Management Practices of all new development. The referenced Government Code Section should be examined by your municipal counsel, but appears to require school districts to obtain municipal approval of a grading permit for new construction and compliance with municipal provisions for "improvements which affect drainage".

The County as Principal Permittee recommends that your municipality, at any such time as a school district submits grading plans, inform the district via plan check comments that adherence to the Countywide DAMP New Development Appendix is accordingly requested. If you have any questions please contact Karen Ashby at (714) 567-6297.

Very truly yours,



Chris Grompton, Manager  
Environmental Resources

Distribution:

Co-Permittee Representatives  
Members, Technical Advisory Committee  
Larry Paul, County of Orange/PFRD  
Herb Nakasone, County of Orange/PFRD

Attachment: Government Code Section 53097

**California Government Code Section 53097.**

**Notwithstanding any other provisions of this article, the governing board of a school district shall comply with any city or county ordinance (1) regulating drainage improvements and conditions, (2) regulating road improvements and conditions, or (3) requiring the review and approval of grading plans as these ordinance provisions relate to the design and construction of onsite improvements which affect drainage, road conditions, or grading, and shall give consideration to the specific requirements and conditions of city or county ordinances relating to the design and construction of offsite improvements. If a school district elects not to comply with the requirements of city or county ordinances relating to the design and construction of offsite improvements, the city or county shall not be liable for any injuries or for any damage to property caused by the failure of the school district to comply with those ordinances.**



# California Regional Water Quality Control Board Santa Ana Region



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Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

## Inspection Report

On November 24, 2009, I inspected Tustin High School, WDID No. 8 30C356528, located at 1171 El Camino Avenue in Tustin, Orange County, and spoke to Ray Percell, Superintendent, who granted me permission to take pictures, and Tere Meredith, Project Manager. Mr. Percell and Mr. Meredith are employees of Barnhart, Inc., the contractor for the project.

The Storm Water Pollution Prevention Plan (SWPPP) was prepared by NTD Architecture, located at 955 Overland Court, Suite 100, in San Dimas. The Project Manager is Steven L. Ellis, P.E. (909-581-0676). The SWPPP was generic in format, geared toward residential tract development projects, and encompassed multiple phases of the planned phases of redevelopment.

Training records indicate that training requirements have been met. Training was provided to Barnhart employees by California Construction Management, Inc. on March 25, 2009. Attachment I, Training Log – In-house, indicates that additional training was provided by Michael Alberson on September 11, 2009.

The SWPPP was not certified.

A drawing (Exhibit 1) was displayed on the wall showing erosion and sediment control placement. The map was not current. It showed 1-bag-high gravel bag perimeter control; whereas, the gravel bag perimeter was two bags high. The construction entrance had been modified to reflect current conditions, as of the date of the inspection, including the placement of  $\frac{3}{4}$ " gravel and a shaker plate.

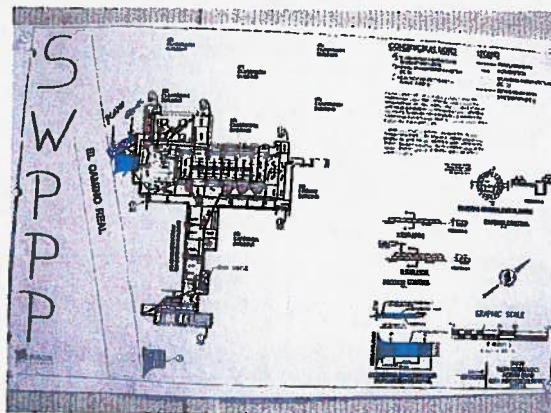


Exhibit 1: Erosion and sediment control drawing.

Statement By: M. Bartholomew  
Statement Date: 30-November-2009

California Environmental Protection Agency



Erosion control measures identified by the SWPPP included scheduling, hydraulic mulch, geotextiles and mats, and earth dykes. Identified sediment controls were sediment basin, sediment trap, check dam, gravel bag berm, street sweeping, and storm drain inlet protection. The tracking control measure identified was stabilized entrance.

There are multiple phases of redevelopment planned for the high school. Future phases of work include a science building, gym, and library. The current phase of construction is creating a hardscaped open space. Work began when canopies were removed in July 2009. Building demolition began in the middle of October 2009.

The project area is contained within privacy fencing and has two main work areas (Exhibit 2 and Exhibit 3). The larger work area is to the west and is connected by a linear work area to a smaller work area to the east. There were construction site access points at both the western and eastern work areas. The main access point was to the larger work area and was located along the southern perimeter of the site on El Camino Real. A secondary access point for the smaller work area was located along the eastern perimeter through the Tustin High School's parking lot.

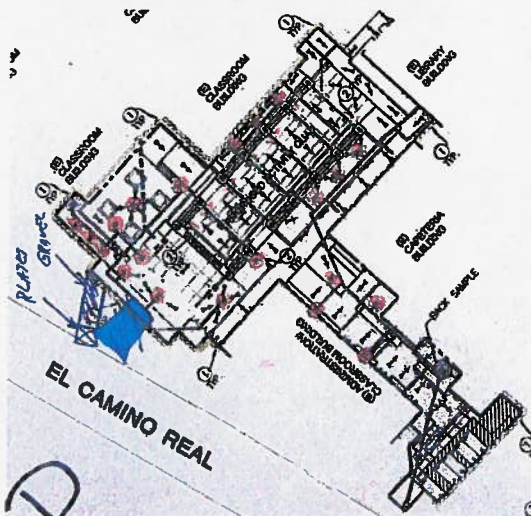


Exhibit 2: Erosion and sediment control drawing rotated to reflect north as up.



Exhibit 3: Google Maps image with the project perimeter approximated with red lines.

Three-quarter-inch gravel and a shaker plate were installed at the main construction site entrance (Exhibit 4). There were multiple soil stockpiles and trenches in the work area (Exhibit 5). The erosion and sediment control measures implemented in the work area were the stabilized construction entrance and perimeter gravel bags. Based on site conditions at the time of the inspection, it appears that the sediment control measures installed would not be an effective to minimize the discharge of sediment from the site during a rain event resulting in sheet flow. The SWPPP did not identify additional erosion and/or sediment control measures to be implemented in the event of such a rain event. If the control measures were items to be placed, the SWPPP also did not what they were, the mechanism to ensure the items were available and could be delivered to the site in a timely manner, or if rain water from the trenches was to be pumped, how the site would be de-water the trenches without discharging sediment-laden water to the street.



Exhibit 4: Entrance to larger work area showing 3/4" gravel, a shaker plate, and minor tracking where vehicles by-passed the shaker grate to the right.

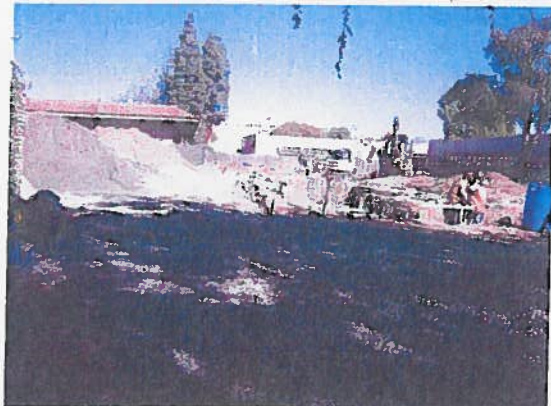


Exhibit 5: Trenches and stockpiles at the larger work area. No erosion or sediment controls were installed at the stockpiles, which extended to the privacy chain-link fence.

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\*

The eastern, smaller work area, portion of the site consisted of soil disturbing activities and a material storage area. No tracking controls were placed at the secondary entrance. (Exhibit 6, Exhibit 7, Exhibit 8) There was minor tracking. Mr. Purcell stated that the area is swept at the end of each day.

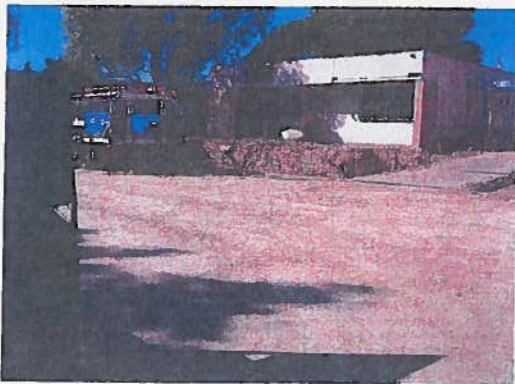


Exhibit 6: Soil disturbing activities and material storage in smaller work area.

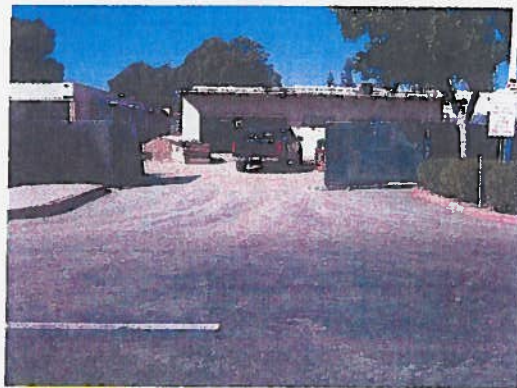


Exhibit 7: No structural tracking controls at entrance.

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Exhibit 8: Tracking from small work area to El Camino Real.



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board  
Santa Ana Region**

3737 Main Street, Suite 500, Riverside, Cal  
Phone (951) 782-4130 • FAX (951) 781-6288  
www.waterboards.ca.gov/san

December 2, 2009

Pete Burns  
Tustin Unified School District  
300 South C Street  
Tustin, CA 92780

**NOTICE OF VIOLATION OF THE GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES, ORDER NO 99-08-DWQ, NPDES NO. CAS000002 (GENERAL PERMIT) (WDID # 8 30C356528)**

Dear Mr. Burns:

Tustin Unified School District has General Permit coverage for construction activity at Tustin High School, located at 1171 El Camino Avenue in Tustin. The General Permit generally prohibits the discharge of materials other than storm water from construction sites.

On November 24, 2009, Regional Board staff inspected Tustin High School. Staff observed that construction was for multiple phases of redevelopment at Tustin High School. The current phase was the redevelopment of a hard-surfaced open space.

During the inspection, staff observed the following violations:

- A) The erosion and sediment control measures were inadequate.

No erosion controls were implemented at the site. Sediment controls consisted of gravel and a shaker plate at one of two construction side access points and gravel bags along most of the project perimeter. Furthermore, no additional erosion and/or sediment control material were on site for use in the event of rain.

Soil stockpiles resulting from trenching activity were not stabilized with either erosion control or sediment control measures. These stockpiles were located adjacent to the perimeter of the site. The pollution control measures at the site inadequately address the potential discharge of sediment from the stockpiles.

**California Environmental Protection Agency**



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Sent To: Pete Burns Tustin USD  
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*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."*

Further, the General Permit requires that prior to termination of coverage under the General Permit, the site must be in compliance with all local storm water management requirements, including the preparation of a post-construction storm water management plan and that plan must be consistent with all local post-construction storm water management requirements, policies, and guidelines.

Order Section C.8 of the General Permit states, "*The discharger may terminate coverage under this General Permit for a complete project by submitting to its RWQCB a Notice of Termination Form (NOT), and the post-construction BMPs plan according to Section A.10 of this General Permit. Note that a construction project is considered complete only when all portions of the site have been transferred to a new owner; or the following conditions have been met:*

- a. There is no potential for construction related storm water pollution,*
- b. All elements of the SWPPP have been completed,*
- c. Construction materials and waste have been disposed of properly,*
- d. The site is in compliance with all local storm water management requirements, and*
- e. A post-construction storm water management plan is in place as described in the site's SWPPP."*

SWPPP Section A.10 of the General Permit states, "*The SWPPP shall include descriptions of the BMPs to reduce pollutants in storm water discharges after all construction phases have been completed at the site (Post-Construction BMPs). Post-Construction BMPs include the minimization of land disturbance, the minimization of impervious surfaces, treatment of storm water runoff using infiltration, detention/retention, biofilter BMPs, use of efficient irrigation systems, ensuring that interior drains are not connected to a storm sewer system, and appropriately designed and constructed energy dissipation devices. These must be consistent with all local post-construction storm water management requirements, policies, and guidelines. The discharger must consider site-specific and seasonal conditions when designing the control practices. Operation and maintenance of control practices after construction is completed shall be addressed, including short-and long-term funding sources and the responsible party."*

Finally, the General Permit authorizes the City of Tustin to perform inspections of the site, review documents required under the General Permit and perform sampling, when necessary.

Mr. Pete Burns  
Tustin Unified School District

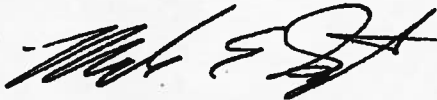
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information may result in further enforcement action, including civil monetary penalties of up to \$10,000 for each day of violation.

If you have any questions regarding this matter, please contact Mary Bartholomew at (951) 321-4586.

Sincerely,



Mark E. Smythe, Chief  
Coastal Storm Water Unit

cc: State Water Resources Control Board, Office of Chief Counsel – David Rice  
Orange County RDMD – Richard Boon  
City of Tustin, NPDES Coordinator – Eric L.K. Loke  
City of Tustin, Public Works – Alex Waite  
City of Tustin, Comm. Dev. Director – Elizabeth Binsack  
Project Manager – Tere Meredith

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