

SECTION 8300 – CONSTRUCTION DISCHARGE CONTROL PROGRAM

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8300 CONSTRUCTION SITE DISCHARGE CONTROL PROGRAM

8301 PURPOSE

This section is created in compliance with the requirements of the Construction Site Discharge Control Program of the Storm Water Management Program contained in the NPDES Permit(s). ACHD is authorized under the NPDES Permit(s) to discharge storm water into the waters of the United States from municipal separate storm sewer systems that ACHD owns or operates as a co-permittee.

A purpose of the Storm Water Management Program is to reduce to the Maximum Extent Practicable (MEP) the discharge of pollutants from construction sites under the jurisdiction and control of ACHD through the District's authority to issue Temporary Highway Use Permits, its construction contracts, and activities performed by the Maintenance Department of the District. This section is confined to ACHD's authority through its Temporary Highway Use Permit program.

8302 DEFINITIONS

Words and phrases as used in this section when capitalized are defined as follows:

"Adjoining Property" means property where erosion, sedimentation, or construction material impacts are occurring and the cause of impact is directly related to a Construction Activity or Land Disturbing Activity adjoining or upstream from such property.

"Approved ESC Plan" means either a Small Project ESC Plan or a Site Specific ESCPlan approved by ACHD and attached to the Permit issued to Permittee.

"Best Management Practices (BMPs)" means physical, structural, and/or managerial practices that, when used alone or in combination, control activities including, but not limited to, site run-off, spillage and leaks, and waste disposal, and prevent or reduce the discharge of pollutants directly or indirectly to waters of the United States. BMPs may include activity schedules, prohibition of practices, design standards, educational activities, and treatment requirements.

"CGP SWPPP" means a Stormwater Pollution Prevent Plan that meets all the requirements outlined in the EPA issued Construction General Permit. This permit regulates construction site stormwater discharges.

"Construction Activity" means activities related to a construction project, including, but not limited to, Land Disturbing Activities, crushing, screening, and hauling of soil and rock, explosive and abrasive blasting, implosion, handling of building materials, concrete, stone and tile cutting, operation of motorized and non-motorized machinery, operation of motor vehicles on the site, staging areas, parking areas, storage areas, or any access routes to the construction site.

"Dewatering" means the discharge of surplus water from a Land Disturbing Activity or

Construction Activity into ACHD storm drain system or MS4.

“Environmentally Sensitive Sites” means any construction or building site with one or more of the following characteristics:

1. All right-of-way work in areas where the predevelopment grades are greater than 10 percent;
2. Ground disturbance of natural vegetative buffer within 50 feet of a wetland and or water body;
3. Land Disturbing Activity or dewatering activities near or on known sites contaminated by listed Pollutants or listed by the federal Environmental Protection Agency or the Idaho State Department of Environmental Quality as a “Superfund” or a “brownfield” or site of concern as those terms are used by the governing agencies.

“Erosion and Sediment Control (ESC) Plan” means a plan, either a “Small Project ESC Plan” or a “Site Specific ESC Plan” containing provisions, at a minimum, addressing Material containment, Pollutant spill prevention and setting forth BMPs to be utilized during Construction Activity or Land Disturbing Activity. See 8305.3.3.

“Grading” means excavating, filling (including hydraulic fill) or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.

“Highways” or “Highway” shall have the meaning as set forth in *Idaho Code* section 40-109(5), together with all public rights-of-way as defined in *Idaho Code* section 40-117(6), as those code sections may be amended from time to time, which highways are under the jurisdiction of the District, and as are now existing and as the same may be laid out, widened, relocated, acquired and vacated or otherwise transferred in the future.

“Land Disturbing Activity” means the use of any land by any person that results in a change in the natural cover or topography that may cause erosion and contributes to or alters the quality and or quantity of stormwater runoff.

“Landscaping” means mowing, seeding, sodding and other landscaping activities that are not Land Disturbing Activities.

“Material” means soils, sand, gravel, clay, or any other organic or inorganic material that is not municipal, refuse, or defined elsewhere in this policy.

Maximum Extent Practicable (MEP) shall mean the technology-based discharge standard for municipal separate storm sewer systems established by the Federal Water Pollution Control Act, as Amended by the Clean Water Act of 1977, particularly §402(p).

“MS4” means a municipal separate storm sewer system as defined in 40 C.F.R. 122.26(b)(8), as updated and amended from time to time, that is under the jurisdiction of either ACHD or a co-permittee of a current NPDES Permit and any related structural or nonstructural connections.

“NPDES Permit” means National Pollutant Discharge Elimination System Permit issued to the Ada County Highway District and its co-permittees by the U.S. Environmental Protection Agency.

“Permittee” shall mean an Applicant to whom a Temporary Highway Use Permit is issued.

“Person” shall have the meaning set forth in Idaho Code Section 40-117(1).

“Plan Designer” means an individual who has received certification from the City of Boise or another general purpose government entity who is a co-permittee with ACHD in a NPDES Permit and whose certification is derived either through successful completion of a Plan Designer Certification program or demonstrated competence.

“Policy” means the Construction Site Discharge Control Program Policy.

“Pollutant” means objects including, but not limited to, dredged soils, solid waste, incinerate residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, wrecked or discarded equipment, rock, sand, silt, clay, dust, cellar dirt, industrial, municipal and agricultural waste, gases entrained in water, paints, oil, and other automotive fluids, soil, rubbish, trash, debris, refuse, heavy metals, hazardous waste, road sanding materials, yard waste from commercial landscaping operations, animal waste, materials that result from the process of constructing a building or structure, and nauseous or offensive matter of any kind, which, when discharged to water, cause or contribute to water pollution.

“Responsible Person” means any Person with operational control over site activities and day-to-day operational control of Plan requirements and Permit conditions at the site of any Construction Activity or Land Disturbing Activity who has received certification from the City of Boise or another general purpose government entity who is a co-permittee with ACHD in a NPDES Permit.

“Sediment” means solid material, either mineral or organic, that is or has been in suspension or is being moved from its site of origin due to erosion.

“Sedimentation” means the process or action of depositing sediment.

“Site Specific Erosion and Sediment Control Plan” or “Site Specific Plan” means an Erosion and Sediment Control Plan required for land disturbing activities less than an acre for a specific location wherein Construction Activity is to take place and is not eligible for consideration and approval under a Small Project ESCPlan. The Site Specific Plan shall include such standard requirements as may from time to time be adopted by ACHD.

“Small Project Erosion and Sediment Control Plan” or “Small Project Plan” means an Erosion and Sediment Control (ESC) Plan required under this section for routine activities (e.g., maintenance) disturbing an area of less than 600 square feet, with no more than 50 feet of lineal trench in the right-of-way, which does not impact any Environmentally Sensitive Sites. The Small Project Plan shall include such standard requirements as may from time to time be adopted by ACHD.

“Temporary Highway Use Permit” shall mean a permit issued by ACHD pursuant to the ACHD Policy Manual to any Person who desires to perform any work on a Highway, or encroaches on a Highway unless the area under ACHD jurisdiction is nominal and adjacent to property under the jurisdiction, authority and control of a general purpose government entity who is a co-permittee with ACHD in a NPDES Permit and requires an Erosion and Sediment Control Plan pursuant to a Construction Site Discharge Control Program for the adjacent property.

“Variance” means a modification of the requirements of the Policy based on hardship.

“Waiver” means being excused from compliance with this Policy by the District for a specific Construction Activity or Land Disturbing Activity.

8303 APPROVED EROSION AND SEDIMENT CONTROL PLAN

8303.1 When Required

Any person who desires to receive a Temporary Highway Use Permit from the District must have an Approved ESC Plan.

8303.2 Exception

Any Person who is licensed by ACHD to utilize a portion of unopened Highway and wishes to perform Landscaping under the license so long as Material or Pollutant will not enter into a MS4.

8303.3 Standard Requirements

All ESC Plans under this section must provide for the following:

- (1) The Responsible Person shall be responsible for ensuring that the control measures have been implemented as shown on the Approved ESC Plan and the facilities correspond with the Approved ESC Plan or achieve the function for which they were designed.
- (2) The Responsible Person shall oversee, implement, and maintain BMPs to contain Materials onsite and out of water bodies or storm drainage systems.
- (3) The Responsible Person shall protect stormwater inlets that are functioning during construction so that sediment-laden water cannot enter the inlets without first being treated.
- (4) The Responsible Person shall implement and follow a regular maintenance and inspection schedule to include inspection of all BMPs within 24 hours of a 0.25” rainfall event during normal business hours.
- (5) The Responsible Person shall minimize the deposition and tracking of mud, dirt, sand, gravel, rock or debris on the Highway. The Permittee shall be responsible for all clean-up of the Public rights-of-way necessitated from any tracking or depositing of mud, dirt, sand, gravel, rock or debris.

- (6) The Responsible Person shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot away from the face of the curb at the gutter line, except for BMPs installed and implemented in accordance with an Approved ESC Plan. Construction ramps shall not hinder the flow of storm water to and through the existing system and must be constructed of a material that will not erode or deteriorate under adverse conditions.
- (7) No debris, dirt, aggregates or excavated materials, or construction supplies shall be placed on the Public right-of-way unless permitted by the District or other controlling entity.
- (8) BMPs shall be implemented to control non-storm water discharges, such as vehicle and equipment wash water, including concrete washout water, slurries from concrete cutting and coring operations or grinding operations, slurries from concrete mixing operations, and sanitary and septic wastes.
- (9) BMPs shall be implemented to manage solid and hazardous materials and waste.
- (10) The Responsible Person shall ensure that any soil, waste or other Materials that enter the Public right-of-way and storm drain system are removed. Additional Clean Up and Restoration requirements may be imposed by the Temporary Highway Use Permit.
- (11) All temporary BMPs shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days after removal of the temporary measures. All existing permanent storm drain facilities shall be cleaned and repaired, if necessary, to pre-construction conditions.
- (12) BMPs shall be in place to protect any nearby storm drain system in the event of Material noncontainment or pollutant spill at the construction site.

8304 SMALL PROJECT EROSION AND SEDIMENT CONTROL PLAN

8304.1 When Available

Any Permittee who meets the conditions for issuance of a Small Project ESC Plan, as defined, shall be subject thereto upon issuance of a Temporary Highway Use Permit.

8304.2 Duration

A Small Project ESC Plan shall remain in effect for the duration of the associated Temporary Highway Use Permit unless revoked earlier under the provisions of this or any other section of the ACHD Policy Manual.

8304.3 Application

If a Construction Activity or Land Disturbing Activity is eligible for a Small Project ESC Plan, an application for a Temporary Highway Use Permit shall be deemed an application for a Small Project ESC Plan.

8305 SITE SPECIFIC EROSION AND SEDIMENT CONTROL PLAN

8305.1 When Available

Any Person who does not meet the conditions for a Small Project ESC Plan must submit an application on a form prescribed and provided by the District consistent with this Policy for each location where the Permittee plans to begin Construction Activity or Land Disturbing Activity pursuant to a Temporary Highway Use Permit.

8305.2 Duration

A Site Specific ESC Plan will be approved and remain in effect until the date stated thereon unless extended in writing by the District, or unless revoked earlier under the provisions of this or any other section of the ACHD Policy Manual.

8305.3 Application

8305.3.1 Contents

At a minimum, an application shall contain the name of the applicant, the location of the area included in the Site Specific Plan, the general scope of Construction Activity or Land Disturbing Activity to be done, designation of a Responsible Person, and any additional information deemed necessary by the District to process the submitted application. Attached to the application shall be an ESC Plan. A CGP SWPPP can be submitted in lieu of a Site Specific Plan.

8305.3.2 Signed By Permittee

Application must be signed by the Permittee.

8305.3.3 Site Specific ESC Plan

1. General

The Site Specific ESC Plan must be prepared and signed by a Plan Designer in a format set forth by ACHD. It shall describe the proposed Construction Activity or Land Disturbing Activity and the proposed Best Management Practices (BMPs) to be employed to prevent and control water quality impacts during and after construction. BMPs, as applicable to the site, shall be provided for control of sediment, flow conveyance, tracking, non-storm water management, waste management, final site stabilization, and maintenance, inspection, and repair of controls and protection of Adjoining Property, if appropriate. Provisions for Material containment as well as Pollutant spill prevention must also be included.

2. Required Elements of a Site Specific ESC Plan:

- (1) A site drawing of existing and proposed conditions including:
 1. North arrow, scale, date
 2. Excavations, grades, paved areas, pond elevations, structures and utilities
 3. Property boundaries and lot lines
 4. All drainage features
 5. Location and type of Best Management Practice
 6. Key of symbols
- (2) Location of project and total area
- (3) Type of work and description of activities
- (4) Duration of work
- (5) Receiving waters
- (6) Construction Activities
 1. Description
 2. Sequence
 3. Potential Pollutants
- (7) Best Management Practices (BMP's):
 1. Location
 2. Inspection schedule
 3. Maintenance schedule
- (8) Dewatering plan
- (9) Materials and waste management/Spills prevention & control
 1. Type and location of materials stored on site
 2. How material will be stored
 3. How material will be disposed
- (10) End of Project
 1. Final site stabilization
 2. BMP removal stabilization
- (11) List Responsible Person and certification number
- (12) Printed name, signature, and certification of Plan Designer

8306 ADDITIONAL REQUIREMENTS FOR ENVIRONMENTALLY SENSITIVE SITES

In addition to the requirements set forth in section 8305, the following requirements must be included for Environmentally Sensitive Sites:

1. Site drawing shall include excavation grades, street grades and other paved areas.
2. Topographic survey showing existing drainage and irrigation water conveyance systems and pre-developed and finished grade contours at 2-foot intervals. For sites less than one acre and with less than 2% cross grades, predevelopment and finished grade spot elevations along the property lines or boundaries and at key points within the project site can be submitted instead of a topographical survey.
3. Plan of new or modified drainage systems, including dimensions.

4. Sites located in the areas of 10% grade or more, and other sensitive site areas, shall have all erodible soils designated and classified using the Unified Soil Classification System (USCS). An engineering geology or geotechnical report, prepared by a registered geologist or registered geotechnical engineer, providing recommendations for erosion control, shall be submitted upon determination by the District that additional information is required to assess the site conditions.

8307 REVIEW BY DISTRICT

8307.1 Application Submittal

After all required information and fees have been submitted to the District, the District shall review the submitted application.

8307.2 District Review

The District shall review the submitted information, considering the potential water quality impacts that may result based upon proximity to an MS4 structure and the type of Construction Activity or Land Disturbing Activity contemplated at the site.

8307.3 District Decision Deadline

No later than four (4) working days after receipt of all necessary information, the District shall either approve, disapprove or request a conference with the person submitting a Small Project Plan or a Site Specific Plan. If the ESC Plan is disapproved, the District shall provide the Person with a written statement of such disapproval, setting forth the reasons therefore.

8307.4 Clarification Conference

If the District determines it to be advisable, the Permittee shall meet one or more times with the District in order to discuss any issues arising out of the application needing explanation, clarification or further review. If the conference is requested, the time for review may be extended for an additional period of five (5) working days after the conferences are conducted either at the site of the proposed Construction Activity or Land Disturbing Activity or at the business office of ACHD, or both.

8308 MISCELLANEOUS PROVISIONS RELATING TO APPROVED ESC PLAN

8308.1 Variances and Waivers

Any requests for Variance or Waiver from the Policy must be in writing, set forth the factual basis to support the request, and comply with the goals of the NPDES Permit. The District may request any information from any Person seeking a Variance or Waiver from the Policy the District deems necessary to reach an informed decision.

8308.2 Additional Practices

District may impose additional practices upon the ESC Plan based upon the uniqueness of the topography of the construction site, the planned method of Construction Activity being proposed, or any other such condition that may require additional protection for the MS4 during the time Construction Activity or Land Disturbing Activity is underway.

For sites disturbing one acre or greater, soil compaction shall be minimized on areas of the site where final vegetative stabilization will occur or where surface infiltration practices will be installed. If soil compaction cannot be avoided, appropriate soil conditioning techniques shall be used.

8309 RESPONSIBLE PERSON/INSPECTION BY ACHD INSPECTORS

8309.1 Responsible Person

During the Construction Activity or Land Disturbing Activity allowed under the Temporary Highway Use Permit, the Responsible Person shall be the individual responsible for implementing and ensuring compliance with the Approved ESC Plan.

8309.2 Transfer of ESC Plan or Responsible Person

In cases where another person wishes to continue or complete work previously commenced under an ESC Plan, this person shall either submit a new ESC Plan or update the current ESC Plan and Responsible Person. The original Responsible Person will be released from the ESC Plan once another Responsible Person has become responsible for the conditions of the ESC Plan.

8309.3 ACHD Inspectors Access

ACHD Inspectors shall be given safe access to inspect for compliance with the Approved ESC Plan and shall be furnished with all such information and assistance by the Responsible Person as is necessary to make such inspections.

8309.4 Final Review

Once final landscaping and/or final stabilization have been completed and the ESC Plan receives final inspections approval, the conditions of the ESC Plan shall cease. Any charges, fees, clean-up costs and penalties must be paid before a Temporary Highway Use Permit receives final inspection approval or a letter of completion. Final inspection approval for a phased development permit shall not be issued until all lots have been completed or a legal transfer of ownership has occurred.

8310 ENFORCEMENT

In the event the provisions set forth under the Approved ESC Plan have not been met, the Responsible Person will be given a verbal notice of the violation and a time period in which to correct the deficiencies causing the violation. If the corrections have not been

made within the time period designated in the verbal notice or additional violations occur, the District may issue a written notice of the violation and a time period in which to correct the deficiencies causing the violation. If the corrections have not been made within the time period designated in the written notice or additional violations occur, a stop work order may be issued.

The District may issue a stop work order solely for failure to comply with any ESC Plan requirement, regardless of any other violation that may or may not have occurred under the Temporary Highway Use Permit.

8311 REVOCATION OF TEMPORARY HIGHWAY USE PERMIT

The District may seek revocation of the Temporary Highway Use Permit based upon violations of an Approved ESC Plan.

8312 INTEGRATION WITH OTHER SECTIONS

With respect to any matter that is not specifically addressed in this section, those sections of the ACHD Policy Manual addressing permits and inspection will control.