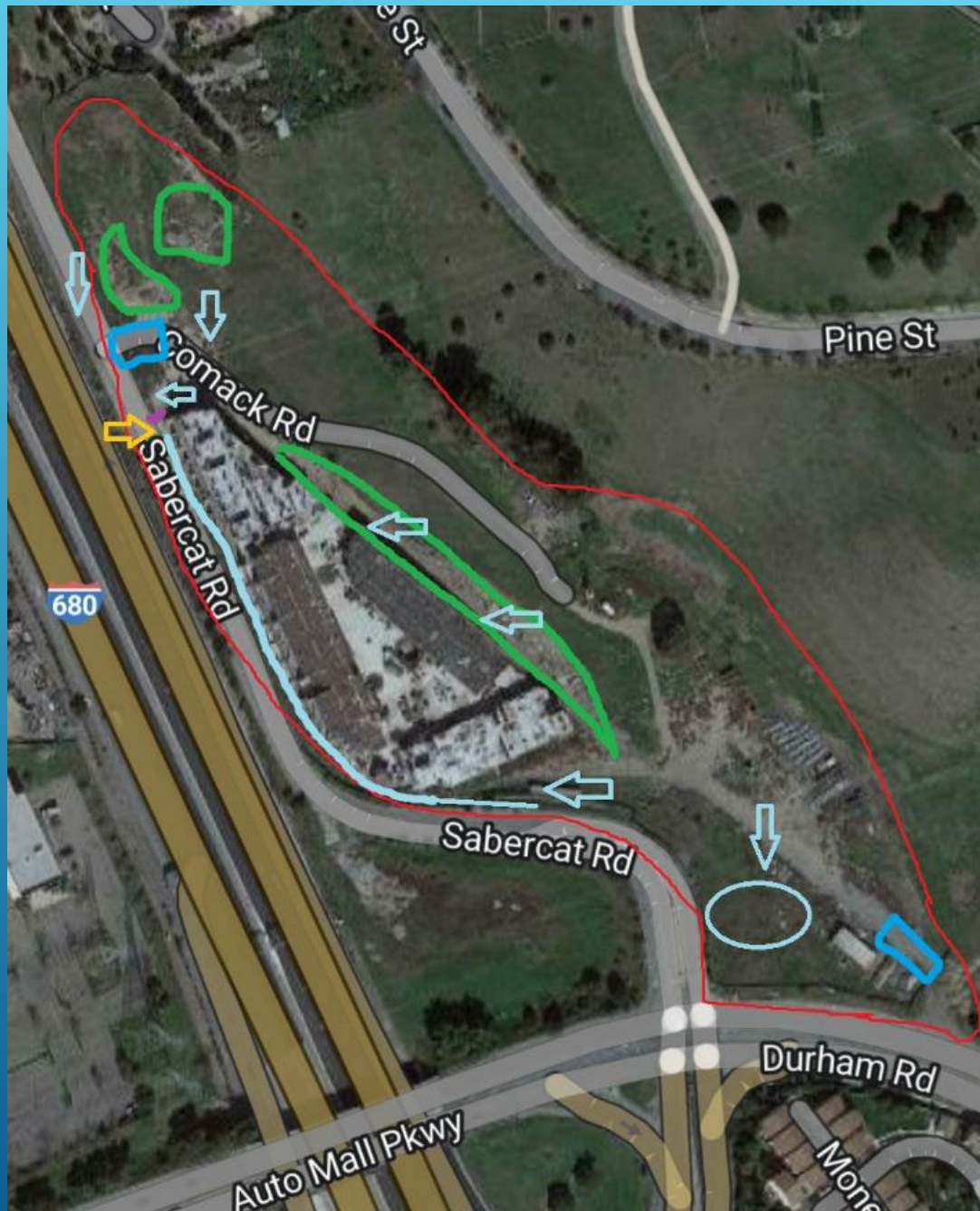


C.6 CONSTRUCTION CASE STUDY

Out of compliance site goes bankrupt

Elliot Wier, City of Fremont

March 30, 2022




HILLSIDE NOI SITE OVERVIEW (CONTRACTOR ON SITE)

Ongoing challenges during inspection included:

- Slope stabilization
- Exit stabilization
- Runoff management

SITE CHALLENGES

- ▶ Slope Stabilization
 - ▶ * Steep cuts on slope slide 70% of the site flowing to one location.
 - ▶ * Onsite storm drain infrastructure nonexistent but temporary measures implemented that collect water from the site and adjacent street.
 - ▶ * Perimeter controls to prevent sediment laden runoff from leaving the site.
- 
- A decorative graphic consisting of several parallel white lines of varying lengths and orientations, located in the bottom right corner of the slide.

SLOPE STABILIZATION

Steep slope cut into hillside drains to central location on the low side of the site by property line. QSP chose to cover slope with plastic, this created two major issues.

1: Managing the runoff from the plastic.

2: Maintenance issues during high winds and photodegradation.

* Better option would be tacked jute netting with possible hydroseed and fiber roll at the slope toe.



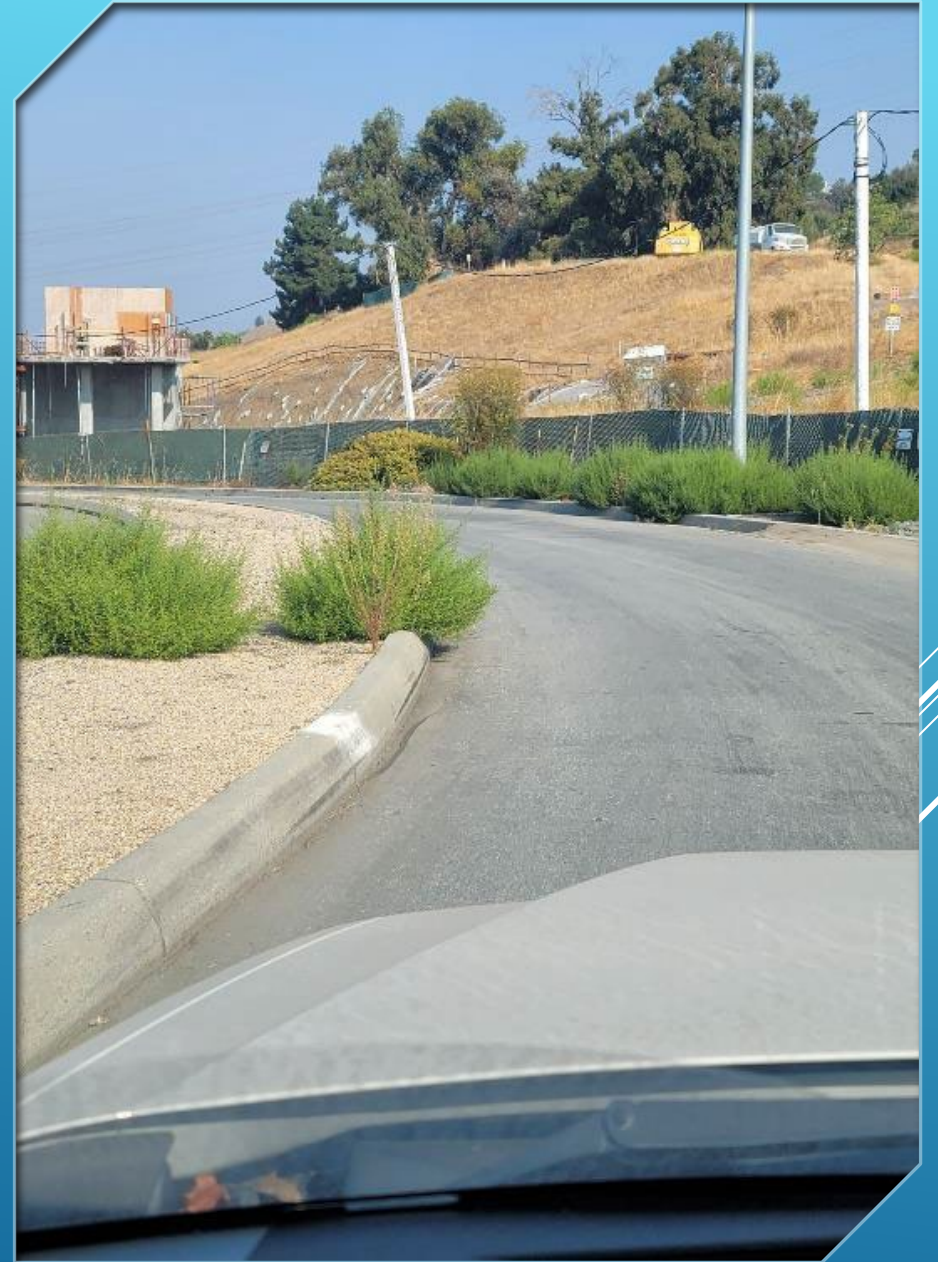
SLOPE STABILIZATION

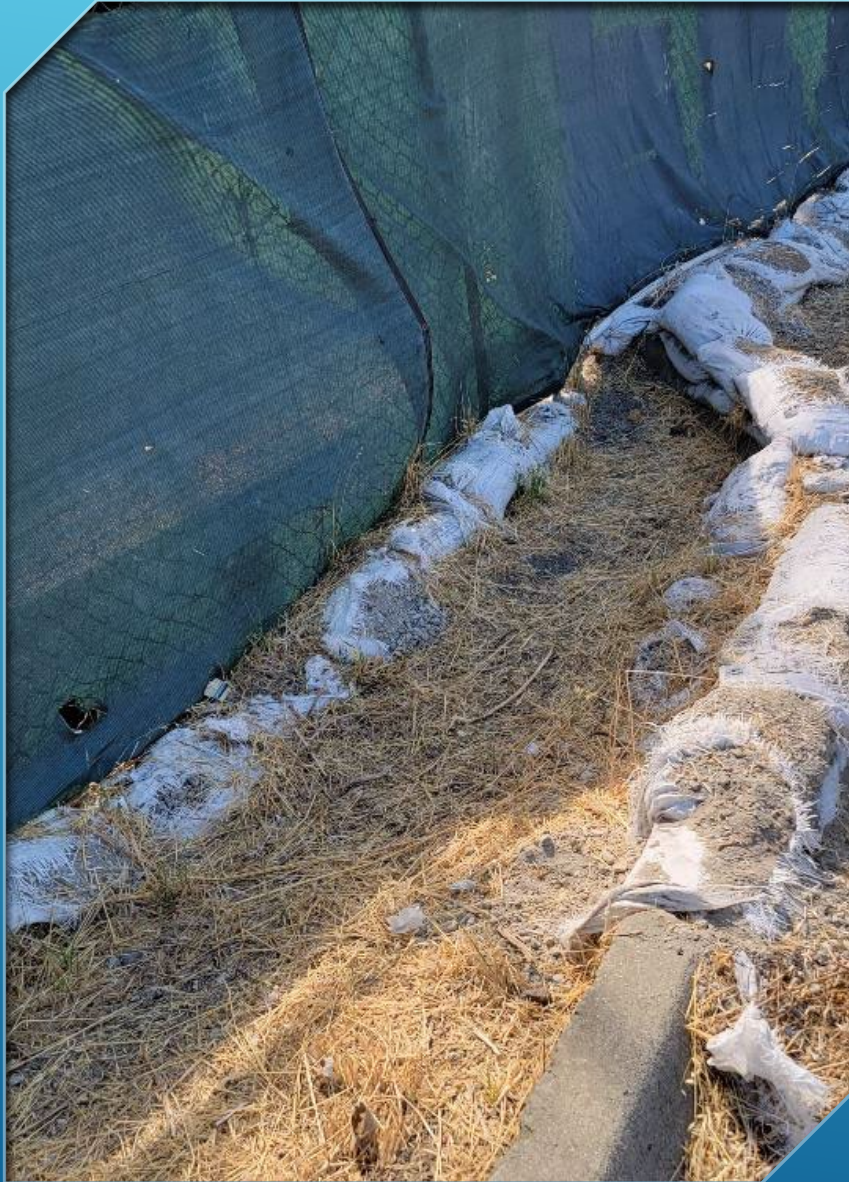
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PERIMETER CONTROLS

Perimeter controls were installed to 1: keep runoff from leaving the site and 2: filter and slow down any runoff leaving the site to meet NTU action levels. Site was failing to test runoff.

BMPs used were rock/sandbags built up around the low points of the site in combination with fiber rolls.



PERIMETER CONTROLS

70% of the site flows to this location causing ponding onsite and challenges preventing sediment laden runoff.

Other issues are storing material and equipment in this low area.

MANAGING SITE RUNOFF

Most of the site drains to one location. An onsite catch basin/culvert was sealed and three 3" pipes were installed on the outside of the property line to discharge collected street runoff to MS4. Issues found during inspection.

1: Failing to maintain perimeter controls and slope management was causing sediment laden water to leave the site and discharge into these 3" pipes.

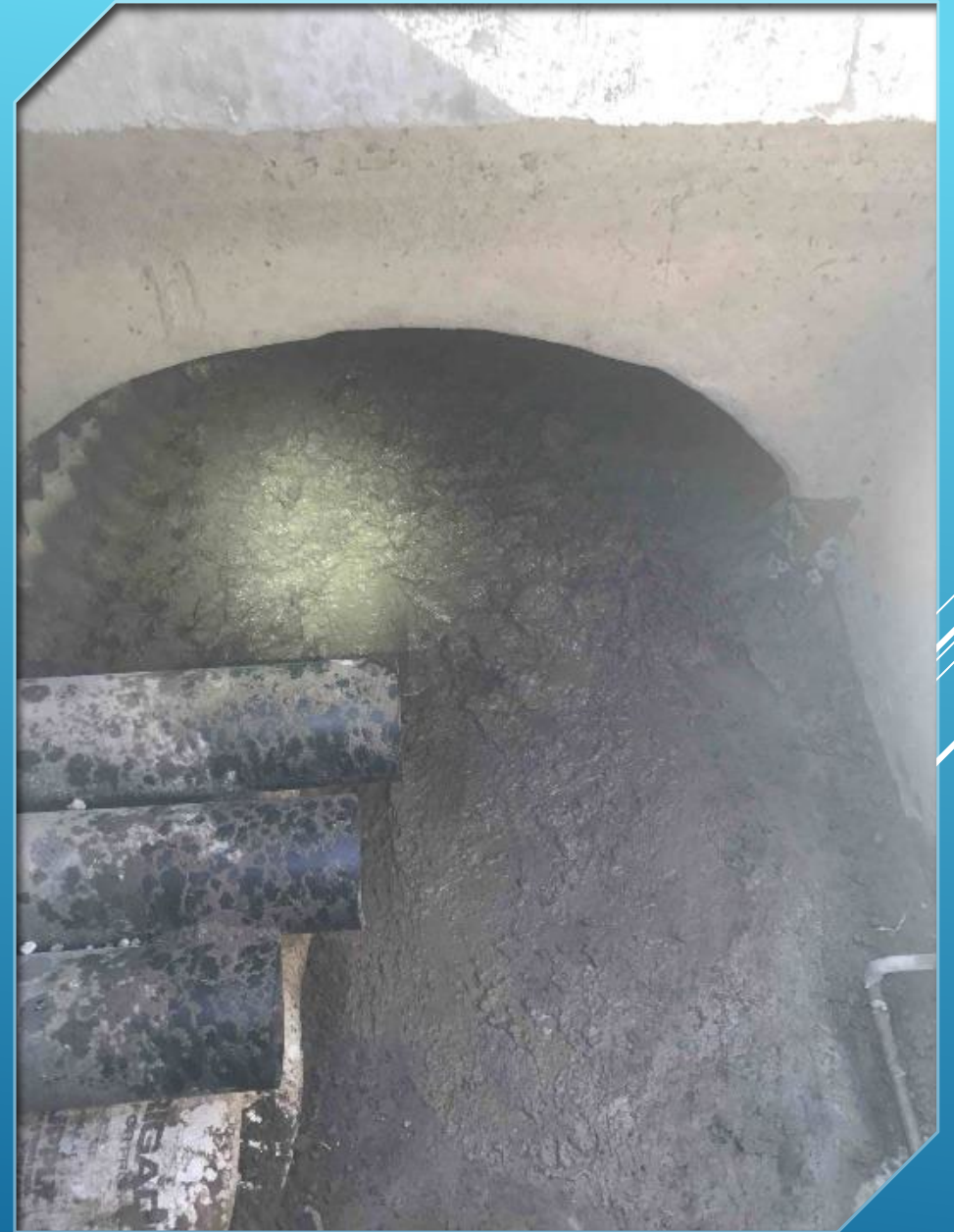
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NO CONTRACTOR FOUND ON SITE CHALLENGES



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- 1: Site access becomes an issue. Gates Locked.
- 2: Finding someone to respond to email or phone call.
- 3: Gaining compliance and enforcement.
- 4: Resources used to gain compliance and steps taken.
- 5: Illegal dumping and site security becomes an issue



SITE ACCESS


- 1: Gates may be locked.
- 2: Gates might be open you may want direction from a supervisor to enter the property.
- 3: Conduct the inspection to the best of your ability. (check perimeter, exits, anything that can be seen from outside the site.)
- 4: Choose the safest method of inspection.

CONTACTS?

- 1: Try to call/email original Superintendent or Foreperson to gain access to the site for inspection.
- 2: Check the NOI on SMARTS for developer and other contact information.
- 3: Check with other Departments such as Permitting and Code Enforcement for other contacts.
- 4: Try to call/email QSP/QSD
- 5: If nobody is on site for extended period note that on inspection form. I also note no SWPPP or inspection reports were made available and that they are unlikely being updated and completed.

FOCUS ON THE IMMEDIATE DISCHARGE POTENTIAL

This site had several areas of concern during heavy rains.

- 1: Slope stabilization.
 - 2: Perimeter controls
 - 3: Site runoff
 - 4: Illegal dumping and theft on the site
 - 5: Trash management
- 

SLOPE STABILIZATION



PERIMETER CONTROLS AND RUNOFF MANAGEMENT



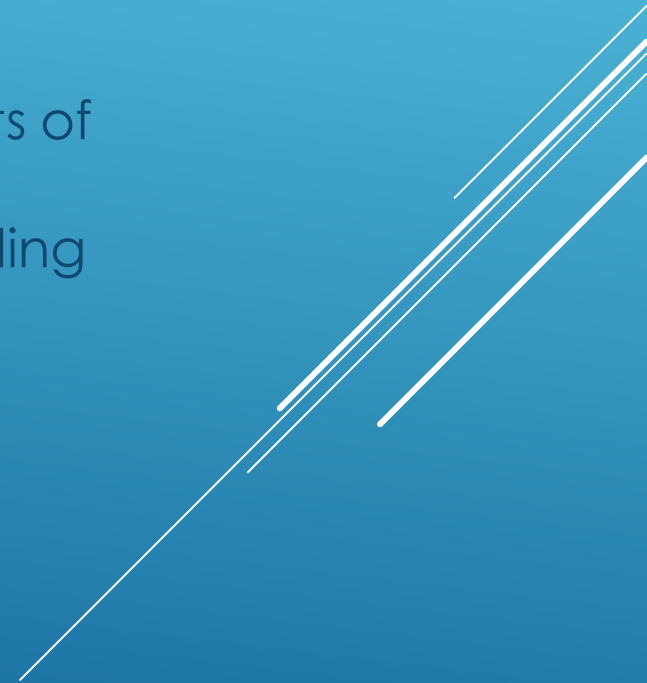
RUN OFF CONTROLS



ILLEGAL DUMPING, TRASH, AND THEFT



Failure to maintain these BMPs was causing significant amounts of sediment laden discharge along with sand bag material and plastic. This also was causing the discharge pipes to clog flooding the street during heavy rains.



GAINING COMPLIANCE WITH NO REAL LRP

1: Several administrative citations issued to the on-record developer/LRP.


2: Coordination with Code Enforcement as they were also having compliance issues with the site.

3: Coordination with the City Attorney office (City Attorney found the site was in bankruptcy court.)


4: Worked with Engineering Department to start the process of pulling funds from the bond and getting bids from 3rd party BMP installers to install BMPs (this took 2 months to get everything in order).

5: Right before picking a 3rd party BMP installer a Bank assumed ownership of the site and new site contact was established.


CHALLENGES WITH OFF SITE OWNERS

- 1: Knowledge of local stormwater requirements or stormwater requirements in general.
 - 2: The hired contactor or laborer's knowledge of BMP installation. (recommend sending them the applicable BMP pages from the CASQA handbook.)
 - 3: Ongoing monitoring and maintenance of the installed BMPs.
 - 4: Enforcement/ERP
 - 5: Guiding them in the right direction with QSP/QSD and monitoring requirements.
- 

CONTROLLERS' KNOWLEDGE OF STORMWATER REQUIREMENTS

- 1: Why are you contacting them? The site does not meet minimal BMP requirements for stormwater protection.
 - 2: What are minimal BMP requirements? Provide links to the MRP and explain these requirements go beyond your agency (Water Board).
 - 3: Ask for the installers contact information.
- 

HIRED CONTRACTOR/LABORER

- 1: Always meet onsite prior to and during the BMP install process.
 - 2: Provide the CASQA BMPs/site SWPPP from SMARTS to the contractor to ensure BMPs are being installed properly.
 - 3: Provide guidance where needed. (contractor/laborer may need to approve any changes with the site Controller.
 - 4: Walk with Contractor/Laborer after BMPs have been installed.
- 


ONGOING MONITORING OF BMPS.

1: Controller might not provide the resources for ongoing BMP monitoring.

2: Stress the importance of BMP monitoring, inform them that your agency isn't a source of monitoring for the Controller and any deficiencies found could lead to enforcement actions.

3: Continue to follow the MRP requirements for inspections and follow up inspections as well as following your ERP.

ENFORCEMENT

- 1: With a new Controller I generally start the enforcement over and follow our ERP from the beginning.
 - 2: Continue to inspect and follow your ERP issuing enforcement for continued non-compliance.
 - 3: Issue all new enforcement actions to the Controller.
- 

INFORMATION TO CONVEY TO THE CONTROLLER

1: Every time I have contact with the Controller I reinforce the need to hire a QSP/QSD for compliance with the CGP. (As a Municipality we do not enforce CGP requirements.)

2: Any enforcement action taken I note the lack of updated SWPPP and no inspection reports made available on all notices issued.

3: Provide information/links to CGP requirements and SMARTS.



QUESTIONS?

This site is still active/ongoing within the City.

