



STORMWATER INSPECTION AND ENFORCEMENT PROCEDURES

MUNICIPALITY OF ANCHORAGE
PROJECT MANAGEMENT AND ENGINEERING DEPARTMENT
WATERSHED MANAGEMENT DIVISION

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Definitions

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|--------|---|
| AMC | Anchorage Municipal Code |
| BMP | Best Management Practices |
| Hansen | Code Enforcement Tracking System |
| DCM | Municipality of Anchorage Design Criteria Manual |
| MASS | Municipality of Anchorage Standard Specifications |
| MOA | Municipality of Anchorage |
| PW | Public Works |
| PM&E | Municipal Project Management and Engineering Department |
| ROW | Municipal Right-of-way Section |
| SWPPP | Storm Water Pollution Prevention Plan |

1. OVERVIEW OF STORMWATER INSPECTION AND ENFORCEMENT PROGRAM REQUIREMENTS

Under the Municipality of Anchorage's (MOA) current Alaska Pollutant Discharge Elimination System (APDES) Permit # AKS-052558, the MOA is required to develop an inspection and enforcement strategy for new development and significant redevelopment (private and public) to ensure that all specified Best Management Practices (BMPs) are implemented with approved Stormwater Treatment Plans. The MOA is also required to implement procedures and strategies for conducting site inspections and enforcement of erosion and sediment control measures at construction sites. These procedures and strategies shall include:

- a. requirements for inspection of MOA approved storm water plans;
- b. inspections to ensure BMPs are installed and maintained according to approved plans and all pollution sources have been addressed;
- c. inspection policy detailing frequency, prioritization, and follow-up;
- d. Enforcement provisions to ensure compliance with requirements of current APDES CGP.
- e. Develop an enforcement response policy for construction site management that includes verbal warning, written notices, and escalated enforcement measures.

To meet the above APDES permit requirements, the MOA has enhanced the inspection and enforcement framework currently utilized by Public Works (WMS) storm water inspectors. This document summarizes MOA's inspection and enforcement procedures and describes how these programs and procedures ensure compliance with the permit and approved plans.

2. MOA STORMWATER INSPECTION AND ENFORCEMENT PROCEDURES

This section describes the laws, regulations, and standards that are currently in place to manage and minimize the adverse impacts resulting from stormwater discharges within Anchorage.

2.1 Laws and Regulations

2.1.1 Anchorage Municipal Code

The following sections of the Anchorage Municipal Code (AMC) are applicable to managing stormwater discharges within Anchorage boundaries. The particular code sections presented below are those that are most often used by MOA inspectors during their routine inspection of construction projects.

AMC Title 21 -Land Use Planning:

- AMC 21.07.040 establishes standards for work within stream protection setbacks.

- AMC Title 21.07.040 establishes stormwater runoff restrictions and the Municipality's stormwater plan review system.
- AMC 21.07.020 requires that erosion and sediment control measures constructed as part of subdivision improvements be approved.

AMC Title 24 -Streets and Rights-of-way:

- AMC 24.80.045 No dirt, gravel, topsoil, organic or inorganic substance or material, muck, debris or similar material is allowed on, in or across any public place by any method including, but not limited to, track out from a construction site or property, deposit, discharge or any other means not in accordance with a valid right-of-way use permit.

2.1.2 MOA Design Criteria Manual (DCM)

Chapter 2 of the DCM provides information pertaining to stormwater control that is intended to result in a decrease in erosion, sediment and adverse water quality impacts. The objective of this chapter is to make municipal drainage standards and policies more accessible to the designers of new land developments and roads and drainage projects. This chapter also addresses general drainage topics such as area drainage studies, required drainage analyses, runoff calculations, and runoff quality.

2.1.3 MOA Standard Specifications (MASS)

Section 20.02 of Division 20 of Standard Construction Specification and Articles 4.15, of the Standard General Provisions (Division 10) address maintenance and drainage and temporary erosion control during construction, respectively. These Articles explicitly describe the stormwater control requirements that a contractor must follow while performing work on MOA projects. In addition, both Articles contain provisions that penalize the contractor (financially) for failure to provide and maintain proper stormwater control.

2.2 MOA Storm Water Inspection and Enforcement Operations

This section describes the MOA Storm water inspection and enforcement programs concerned with stormwater discharges and associated construction activities. To ensure that the APDES requirements pertaining to stormwater discharges are fully satisfied, the inspection and enforcement framework that is currently in place at the MOA (described below) has been strengthened with additional training and tools. All MOA construction Storm water inspectors are trained in the proper requirements for erosion and sediment control. They are provided with direction and procedures on how to enforce these controls in the field, and an understanding of how different MOA departments and inspection disciplines work together to ensure compliance with the APDES permit.

Additionally, a Watershed management section storm water compliance officer will work closely with other MOA construction permitting and inspection staff to provide erosion control BMP inspections. The Storm water compliance officer will be responsible for inspection program reporting.

2.3 Chronology of Inspection and Enforcement Activities

MOA Storm water inspectors visit construction sites at various frequency as described in Table 1. These storm water inspectors will record deficiencies on erosion control BMP's they believe are necessary and/or designated in the site SWPPP. They will notify, in writing, the site superintendent, construction manager, or builder of their findings and specify the need for corrective action. The storm water inspector will then continue the investigation on the site until the deficiency is corrected. The types of event for erosion control inspections these inspectors will inspect are defined below.

2.3.1 Building Safety Permit Storm Water Inspections

Verifies commercial and residential site erosion control BMPs are maintained in good condition in accordance With approved plans. MOA will require commercial and residential building permit applicants to complete and sign Handout AG.21, Storm water Treatment Plan Review, demonstrating that site owners and their agents understand and agree to comply with basic erosion control BMPs explained in the handout. This enables Storm water inspectors to enforce responsibility for erosion control practices on developers, contractors, and builders. Watershed Management Services storm water inspectors perform these inspections. These site visits are necessary to maintain compliance with MOA storm water requirement and are valuable because they provide opportunities to observe sediment runoff conditions at construction sites. If the expected BMPs are not in place, they will notify the site superintendent of the deficiencies to be corrected. In most cases, site superintendents will correct problems immediately. Otherwise, inspectors will issue compliance deadlines. In severe non-compliance situations inspectors may issue stop work orders until the problem is fixed.

2.3.2 Right-of-way Storm Water Inspections

WMS Storm water inspector verifies right-of-way construction is performed with site erosion control BMPs in place. If the expected BMPs are not in place, they will notify the site superintendent of the deficiencies to be corrected. In most cases, site superintendents will correct problems immediately. Otherwise, inspectors will issue compliance deadlines. In severe non-compliance situations inspectors may issue stop work orders until the problem is fixed. WMS storm water inspectors are also able to issue citations and pursue monetary fines through an administrative hearing officer.

2.3.3 Project Management and Engineering (PM&E) Inspections

PM&E is responsible for the design and construction of streets, sidewalks, pedestrian walkways, bike trails, drainage, and PM&E's authority to take enforcement action at construction sites is derived from its contractual relationship with construction contractors. MOA Standard Specifications Section 20.02 of Division 20 of Standard Construction Specification and Articles 4.15, of the Standard General Provisions (Division 10) contain mechanisms MOA can use to ensure permit compliance. Most inspections are performed by either the Project Management Sections of PM&E or Consultant working for PM&E, as described on Table 1.

Table1. Frequency of MOA Storm Water Inspections
Initial Series of Inspections

| Commercial/Residential Site | Inspection Frequency | MOA Section Responsible |
|--|--|--|
| (A) All sites 5 acres or larger in size | Inspection must occur at least monthly during the construction season. | WMS |
| (B) Other sites 10,000 sq ft or more, or part of a larger common plan of development, which are determined by the permittee or permitting authority to be a significant threat to water quality* | Inspection must occur at least monthly during the construction season. | WMS |
| (C) All other construction sites with 10,000 sq ft or more, or which are part of a larger common plan of development and do not meet the criteria specified in (A) or (B) | Inspection must occur at least once per construction season. | WMS |
| (D) Construction sites less than 10,000 sq feet in size | Inspection must occur as needed based on the evaluation of the factors that are a threat to water quality.* | WMS |
| MOA Owned Construction Sites | | |
| A) All sites 5 acres or larger in size | Inspection must occur at least monthly during the construction season. | Performed periodically by Public Works, Project Management and Engineering, Project Management Section |
| B) Other sites 10,000 sq ft or more, or part of a larger common plan of development | Inspection must occur at least monthly during the construction season. | Performed periodically by Public Works, Project Management and Engineering, Project Management Section |
| Final Series of Inspections | | |
| Certificate of Occupancy | Performed after the building or tenant improvement is complete and ready for occupancy. Final inspection for conformance to (including permanent BMP's) is required before building may be occupied. | WMS |
| Subdivision Agreement | Performed at the beginning and end of subdivision construction period. | WMS |

2.4 Related MOA Programs

2.4.1 Water Pollution Hotline

The existing MOA Code Violation Hotline number, 343-4141, is used to receive and record illicit discharge calls. The MOA Watershed Management Section (WMS) has been tasked with monitoring illicit discharge Hotline calls. These calls are recorded, prioritized, validated, and enforced as appropriate. Complex discharge problems requiring technical consideration are also referred to the MOA Watershed Management Section (WMS) for further investigation and technical direction.

WMS Storm water inspection staffs are trained in proper handling of legal enforcement activities regarding the Anchorage Municipal Code. Inspectors apply this training to illicit discharge investigations. A written record of each call and/or message received on the Hotline is entered into the Hansen database as it is received. After a Hotline call is entered into Hansen, it is screened to determine if it qualifies as a potential violation under AMC 21.07.040 (Water Pollution Control). If it is not found to be a MOA code violation, the Hotline complaint is invalidated. If it is found to be a possible violation, a Complaint request is opened for further investigation. Complaint request are given unique identification numbers and assigned to storm water inspectors according to the area of the MOA in which they are located. Storm water inspectors then conduct site investigations for each complaint in order to prove or disprove the Hotline call allegation. If compelling evidence is found suggesting the alleged illicit discharge occurred during an onsite investigation, the storm water inspector validates the Hotline call complaint. The storm water inspection/enforcement Section's goal is to respond to all complaints within 48 hours.

If an allegation from a Hotline call is proven and not corrected after the storm water inspector written inspection report to correct violation, a case will go forward until the violation is remedied. At verified complaint sites where stormwater pollution prevention plans and other permits have been ignored, complaints will be forwarded to other appropriate permit authorities in addition to any investigation and enforcement action taken by MOA storm water inspectors.

2.4.2 Typical Non-compliance Issues and Possible Enforcement Actions

For more detailed information, please refer to Municipal Code 21.07.040

Non-Compliance Issues

- Failure to obtain Municipality of Anchorage Storm water review approval.
- Failure to obtain an APDES permit from the ADEC if project is greater than or equal to one (1acre.) or part of a common development plan.
- Failure to obtain a MOA de-watering or ADEC discharge permit if required
- Failure to abide by the conditions of the Construction General Permit

- Failure to properly install, maintain, and/or replace critical BMPs by the end of the working day or within twenty-four (24) hours of such items being noted during an inspection
- Failure to properly install, maintain, and/or replace non-critical BMPs within seven days of such items being noted during an inspection
- Failure to remove temporary BMPs within seven days of such items being noted during an inspection
- Failure to implement the MOA approved Storm Water Plan
- Failure to modify the SWPPP to reflect field changes
- Direct discharge of pollutant(s) into a waterway, jurisdictional wetland or a storm sewer system
- Work beyond limit(s) of permit area

3. MOA STORM WATER ESCALATING ENFORCEMENT POLICY

This policy establishes a formal enforcement procedure to be followed by the Project Management and Engineering, Watershed Management Section Storm water inspectors when enforcement action is necessary on sites that do not comply with the Municipality Of Anchorage Storm water regulations. Enforcement can be initiated in any of the three ways:

- (1) Construction Inspection process
- (2) Referrals from designated agencies; and
- (3) Complaints from individuals, groups, etc.

Procedures to be followed for each of these methods are outlined below.

3.1 Construction Inspection

3.1.1 Education

Contractor or owner will be educated on storm water discharge requirement, including enforcement provisions, through permit outreach materials and /or through permit review and approval of the site- specific construction Storm water Pollution Prevention Plan (SWPPP)

3.1.2 Preventative Correction

Preventative correction will be required for those activities or conditions which have not yet resulted in degradation of surface water quality. These include lack of installation and maintenance of appropriate best management practices (BMPs) and failure to address minor deficiencies in existing BMPs (adding more straw mulch, repairing silt fence, re-covering stockpiles, etc.). Note: notice of correction may be verbal or written. The time period for implementing preventative corrections is less than one week or prior to the next precipitation event, whichever is less.

3.1.3 Written Compliance Order

A written correction notice shall be issued when the following conditions are identified:

- Evidence of prior degradation of surface water quality is observed; or
- Minor violation has not been corrected within the time set forth by the storm water inspector; or
- Sediment, silt, turbid runoff or other non-storm water discharges (as defined in AMC 21.07.040) are being release from the site due to operator's activities, despite the implementation of BMPs.

3.1.4 Stop Work Order

A stop work order (SWO) shall be issued when:

- The site does not have a valid approved storm water permit before starting the work; or
- Sufficient and appropriate BMPs have not been implemented, as set forth in the approved erosion and sediment control plan (ESC) or Storm water Pollution Prevention Plan (SWPPP), to prevent degradation of surface water quality; or
- Contractor or owner fails to address a Correction Notice within the timeframe specified; or
- A third Correction Notice has been issued for the degradation of surface water quality due to permittee's activities; or
- An accidental discharge of polluting matter (other than sediment) to the storm drains system or surface water course.

Note: Upon issuance of the Stop Work Order, work on the site not directly related to correcting the degradation of surface water quality may be suspended as directed by the MOA storm water compliance officer.

3.1.5 Notice of Violation- With Corrective Order

A Notice of Violation (NOV) may be issued when:

- Contractor or owner fail to comply with a stop work order; or
- A repeat violation exist; or the violation creates a situation or condition that cannot be readily corrected(e.g. a pollutant spill that enters a stream, wetland or lake); or
- The contractor or owner knows or reasonably should have known that the action is in violation of laws, regulations, codes or permit condition(e.g. an intentional discharge of polluting matter to the storm drainage system and/ or surface waters)
- Note: when any of the above circumstances exist, MOA storm water inspector shall immediately issue a Stop Work Order, Notify the Storm water compliance officer and provide documentation supporting the issuance of the NOV.

3.2 Referrals From Other Government Agencies

3.2.1 Referrals from Delegated Agencies

- Complaints will be referred directly to the Watershed Management Section Storm water compliance officer. At this point MOA Storm water Compliance Officer will determine if enforcement actions are warranted. If the Storm water Compliance Officer determines that no action is required because of lack of documentation or insufficient information the complaint will be referred back to the delegated agency with an explanation why a case can not be pursued. If the Storm water Compliance Officer determines that action is required a Hansen complaint request will be open in regards to the said complaint.
- Complaint received by the Storm water Compliance Officer will be handled on first come, first served basis. All enforcement actions will be initiated by a site inspection to verify site conditions that caused the complaint. If conditions have been corrected or do not exist at time of inspection the complaint request will be closed. If conditions exist as stated in the referral, enforcement actions will proceed.
- Once site conditions have been verified and site is determined to be in a state of non-compliance two avenues of enforcement can be pursued, one for the infrequent offender and one for the frequent offender.

3.2.1.1 Infrequent Offender

If an individual or company is being referred to WMS for the first time or it has been at least 1 years since the last violation (12 months has elapse since last referral), a inspection letter (Notice to comply) will be given or mailed to the owner/developer informing them they are not in compliance with the MOA storm water rules and regulation, the steps needed to be taken to get into compliance, and that they have an established time frame to complete the work. At the end of the period Storm water inspector will re-inspect to check for compliance. If all work has been satisfactorily completed the complaint will be closed. If the work has not been satisfactorily completed within the established time frame a Hansen case will be open and a Stop Work Order will be issued if warranted.

3.2.1.2 Frequent Offender

If an individual or company has been referred to WMS at any time in the preceding 12 months they will be considered repeat offenders. Repeat offenders will be issued a Notice of Violation by the Storm water inspector. Follow up will continue until the site has been brought into compliance.

3.2.2 Complaints From Individuals, Groups, etc.

Complaints will be handled in the following manner:

All Complaints regardless of origin will be directed to the Hansen customer service request hotline which will be forwarded to Watershed Management Section, Storm water compliance officer, at this point officer will assign said complaint to a storm water inspector who will determine if it is a legitimate complaint or not.