



County of Santa Clara

Roads and Airports Department

Project Site BMP FAQ (frequently asked questions)

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The following is a list of questions frequently asked of the Land Development Unit of the Roads and Airports Department regarding Project Site Best Management Practices (BMPs). Following this list are the answers to the questions.

- What regulations prompted the need to have a Project Site BMP Form?
- If I have a SWPPP, do I need to submit a Project Site BMP Form?
- If I am doing frontage improvements in the County right of way, what should I be aware of?
- Can you clarify current requirements for linear underground/overhead projects?
- Which items in the Checklist in the form apply?
- Why are some boxes in the Checklist pre-checked?
- Can I have my contractor submit the form?
- Where is the Project Site BMP Form?
- Where can I get more information regarding the BMPs and the Reference Number listed?
- Who do I contact if I have more questions?

What regulations prompted the need to have a Project Site BMP Form?

The Clean Water Act prohibits anybody from discharging pollutants through a point source into the waters of the United States. Point source means discernible, confined, and discrete conveyance, such as pipe, ditch, channel, tunnel, conduit, discrete fissure, or container. EPA regulations require municipal, construction and industrial storm discharges to comply with an NPDES (National Pollutant Discharge Elimination System) permit. In California, the EPA delegated its authority to the State Water Resources Control Board (SWRCB) to issue NPDES permits.

In the case of Santa Clara County, the NPDES permits are issued to the county by the San Francisco Bay Regional Water Quality Control Board and the Central Coast Regional Water Quality Control Board. To determine which region applies, see the map or enter a street address in the following link:
https://www.waterboards.ca.gov/waterboards_map.html

County of Santa Clara Ordinance Division B11.5 – Nonpoint Source Pollution further identifies the authority granted to the County, provides definitions, and discusses discharges to stormwater systems. *Section B11.5-16 – Construction Site Best Management Practice (BMP) under the NPDES Permit* provides certain requirements for BMPs, summarized as follows:

- All construction sites shall install, implement and maintain BMPs consistent with the California Stormwater Quality Association (CASQA) Best Management Practices Handbook, or equivalent.
- The BMPs shall be implemented and maintained year round and include erosion control, run-on and runoff control, sediment control, active treatment systems (as appropriate), good site management, and non-stormwater management, at a minimum.

For the case of encroachment permits, the “equivalent” practice used is Caltrans BMP practices, due to their availability and ease of access to obtain the most current requirements and practices.

Furthermore, while reference is given to ‘construction sites’, Roads and Airports Department has determined that non-construction projects and special events can also be a generator of pollutants. There is also a need during the encroachment permit application process to ascertain potential pollutants and communicate mitigation steps to address those pollutants. As a result, the Project Site BMP form was developed as a tool to communicate and identify requirements relative to site best management practices at both construction and non-construction projects and for special events.

If I have a SWPPP, do I need to submit a Project Site BMP Form?

Construction projects that disturb one or more acre of soil, or whose project disturbs less than one acre but are part of larger common plan developments that in total disturb one or more acres, are required to develop a stormwater pollution prevention plan (SWPPP). The Project Site BMP form is still required if a project is implementing a SWPPP. The SWPPP meets regulatory requirements, while the purpose of the Project Site BMP form is to indicate specific practices of concern in the County ROW.

If I am doing frontage improvements in the County right of way, what should I be aware of?

Frontage improvements not associated with a parcel-based project may require additional roadway or shoulders. As of July 1, 2023, the threshold for impervious surface created/replaced is reduced to 5,000 SF for most projects. This must include any impervious surface created/replaced in the public ROW as part of a project (e.g., sidewalk, street frontage). Furthermore, this 5,000 SF is for the entirety of the project, not just the work that occurs in County right of way (i.e., frontage improvements extend into adjacent jurisdiction). As a result, a SWPPP plan may be required. During the encroachment permit review, Land Development engineers may ask for SF calculations where it is apparent the area of impervious surfaces is approaching the threshold.

Often frontage improvements are part of a larger parcel development that requires a SWPPP plan, and a separate plan is not required for the encroachment permit. However, the Project Site BMP form is still required.

Can you clarify current requirements for linear underground/overhead projects?

Underground or overhead facilities typically constructed as linear underground/overhead projects (LUPs) include, but not limited to, pipelines for gas or liquids and cable lines (electrical or communication), and ancillary facilities. Typical construction activities relative to encroachment permits include, but not limited to, trench work, potholing, concrete and asphalt cutting and removal, excavation, boring and drilling, pipeline installations, concrete or pavement repairs or replacement, and substation or substructure installation.

Construction activity associated with small LUPs that resulted in land disturbances greater than one acre are regulated and may require a SWPPP. LUP construction activity does not include routine maintenance projects, associated with conducting work on existing lines and facilities. However, in all cases, the Project Site BMP Form is required.

Utility trenching projects which are ≥ 8 feet wide on average, over the entire length of the project, are subject to regulatory requirements. Land Development engineers will be assess the project and confirm regulatory requirements with the applicant in addition to requiring the Project Site BMP Form.

Which items in the Checklist in the form apply?

The applicant is responsible to review the checklist and determine which items in the list should be checked as applicable to their project.

A few homeowner examples and considerations:

- A tree removal project typically results in debris in the roadway. Therefore, Street Sweeping will need to be checked. If the project is substantial and includes placement of site sanitary stations, then Sanitary /Septic Waste Management will need to be checked.
- A sidewalk or driveway pavement project will result in concrete being cut and hauled into disposal bins or trucks. If there is risk of water draining into the storm system, then drainage inlet protection is required. Furthermore, concrete work will require Concrete Waste Management to be checked, in addition to Street Sweeping and Paving, Sealing, Sawcutting, Grinding to be checked (ensure removal of saw-cut slurry from the site).

Why are some boxes in the Checklist pre-checked?

You may be asked to complete a Project Site BMP form with pre-checked boxes. Past, older forms were often submitted with nothing checked, though the project did impact the environment. At a minimum, Street Sweeping is checked as all projects tend to generate waste or debris that must be removed from the site. In other cases, to assist homeowner applicants, Land Development engineers may assist the homeowner by pre-checking certain items.

In all cases, applicants are to review the list in its entirety and check the appropriate boxes.

Can I have my contractor submit the form?

The applicant is required to submit the Project Site BMP Form prior to issuance of a permit. The applicant may get the contractor to complete the form, but it must be submitted by the applicant.

If the applicant does not yet have a contractor on board, the applicant must complete the Form. If the form is not received, the application will be put on hold and no permit issued.

Applicants are advised to share the Project Site BMP Form and requirements with the contractor they intend to employ to ensure the contractor's bid price includes implementing these measures.

Where is the Project Site BMP Form?

When you go to the main website/page for County of Santa Clara Encroachment Permits, there is a section for forms that includes a direct link to the Project Site BMP Form.

Where can I get more information regarding the BMPs and the Reference Number listed?

References are made to Fact Sheets from Caltrans Construction Site Best Management Practices (BMP) Manual. For additional information, including copies of the fact sheets, refer to the following Caltrans webpage:

<https://dot.ca.gov/programs/construction/storm-water-and-water-pollution-control/manuals-and-handbooks>

Who do I contact if I have more questions?

You may have additional questions. So who do you contact...

- If I have questions regarding my Encroachment Permit application?
- If I need to submit additional information/documentation?
- If I need a time extension?

For more information on questions relating to the Encroachment Permit process, or use of the Project Site BMP Form, please contact our Permit office: Email (permits@rda.sccgov.org) or call 408-573-2475.