

Jefferson County Stormwater Coalition SWMP

JCSW Coalition Standard Operating Procedure	Subject: Construction Site Inspection	SOP Number JCSWC - 3
	Approved By: _____ _____ MS4 Municipal SWMO Date	Issue Date: 6/1/2016

Purpose

To create a standard procedure for Construction Site Inspections with regard to the Storm Water and Erosion & Sediment Control Local Law.

Standard Operating Procedures

Preparation

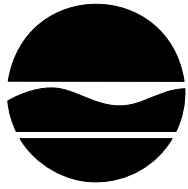
1. The Storm Water Management Officer is to gather all information relevant to the SWPPP or E&SC Plan in question.

Process

The Stormwater Management Officer (SMO) will utilize the attached NYSDEC Procedure for construction site inspections.

The Stormwater Management Officer (SO) will fill out the attached Inspection Form (E&SC Plan Checklist)

The Stormwater Management Officer (SMO) will document the results within the SWMP MCM 4.



**NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION**

Construction Stormwater Inspection Manual
**Primarily for Government Inspectors Evaluating Compliance with Construction
Stormwater Control Requirements**

**New York State
Department of Environmental Conservation**

TABLE OF CONTENTS

Version 1.05 (8/27/07)

<u>Section</u>	<u>Content</u>	<u>Page</u>
1.0	INTRODUCTION AND PURPOSE	1
1.1	Compliance Inspections	1
1.2	Self-inspections	2
2.0	PRE-INSPECTION ACTIVITIES	3
2.1	Regulatory Oversight Authorities	3
2.2	Permittee's Self-inspector	5
3.0	ON-SITE INSPECTION ACTIVITIES	5
3.1	Compliance Inspections	5
3.2	Non-permitted Site Inspections	9
3.3	Self-inspections	9
4.0	POST-INSPECTION ACTIVITIES	10
4.1	Regulatory Oversight Authorities	10
4.2	Permittee's Self-inspections	11

ATTACHMENTS

Attachment 1 - Compliance Inspection Form	12
Attachment 2 - Unpermitted Site Notice	14
Attachment 3 - Example Inspection Letter	15

1.0 INTRODUCTION AND PURPOSE

The New York State Department of Environmental Conservation Division of Water (DOW) considers there to be two types of inspections germane to construction stormwater; compliance inspections and self-inspections.

This manual is for use by DOW and other regulatory oversight construction stormwater inspectors in performing compliance inspections, as well as for site operators in performing self inspections. The manual should be used in conjunction with the *New York State Standards and Specifications for Erosion and Sediment Control*, August 2005.

1.1 Compliance Inspections

Regulatory compliance inspections are performed by regulatory oversight authorities such as DOW staff, or representatives of DOW and local municipal construction stormwater inspectors. These inspections are intended to determine compliance with the state or local requirements for control of construction stormwater through erosion and sediment control and post construction practices. Compliance inspections focus on determinations of compliance with legal and water quality standards. Typically, compliance inspections can be further sub-categorized to include comprehensive inspections, and follow-up or reconnaissance inspections.

Compliance inspectors will focus on determining whether:

- the project is causing water quality standard violations;
- the required Stormwater Pollution Prevention Plan (SWPPP) includes appropriate erosion and sediment controls and, to some extent, post construction controls;
- the owner/operator is complying with the SWPPP;
- where required, self-inspections are being properly performed; and
- where self-inspections are required, the owner/operator responds appropriately to the self-inspector's reports.

1.1.1 Comprehensive Inspection

Comprehensive inspections are designed to verify permittee compliance with all applicable regulatory requirements, effluent controls, and compliance schedules. This inspection involves records reviews, visual observations, and evaluations of management practices, effluents, and receiving waters.

Comprehensive inspections should be conducted according to a neutral or random inspection scheme, or in accordance with established priorities. A neutral monitoring scheme provides some objective basis for scheduling inspections and sampling visits by establishing a system (whether complex factor-based, alphabetic, or geographic) for setting priorities to ensure that a particular facility is not unfairly selected for inspection or sampling. The selection of which

facility to inspect must be made without bias to ensure that the regulatory oversight authority, if challenged for being arbitrary and capricious manner, can reasonably defend itself.

A neutral inspection scheme should set the criteria the inspector uses to choose which facilities to inspect, but the schedule for the actual inspection should remain confidential, and may be kept separate from the neutral plan.

A routine comprehensive compliance inspection is most effective when it is unannounced or conducted with very little advance warning.

1.1.2 Reconnaissance Inspection

A reconnaissance inspection is performed in lieu of, or following a comprehensive inspection to obtain a preliminary overview of an owner/operator's compliance program, to respond to a citizen complaint, or to assess a non-permitted site. The inspector performs a brief (generally about an hour) visual inspection of the site, discharges and receiving waters. A reconnaissance inspection uses the inspector's experience and judgement to summarize potential compliance problems, without conducting a full comprehensive inspection. The objective of a reconnaissance inspection is to expand inspection coverage without increasing inspection resource expenditures. The reconnaissance inspection is the shortest and least resource intensive of all inspections.

Reconnaissance inspections may be initiated in response to known or suspected violations, a public complaint, a violation of regulatory requirements, or as follow-up to verify that necessary actions were taken in response to a previous inspection.

1.2 Self-inspections

For some projects, the site owner/operator is required by their State Pollutant Discharge Elimination System (SPDES) Permit and/or local requirements to have a qualified professional¹ perform a "self-inspection" at the site. In self-inspections, the qualified professional determines whether the site is being managed in accordance with the SWPPP, and whether the SWPPP's recommended erosion and sediment controls are effective. If activities are not in accordance with the SWPPP, or if the SWPPP erosion and sediment controls are not effective, the qualified professional inspecting the site recommends corrections to the owner/operator.

¹ A "Qualified professional" is a person knowledgeable in the principles and practice of erosion and sediment controls, such as a licensed professional engineer, Certified Professional in Erosion and Sediment Control (CPESC), licensed landscape architect or soil scientist.

2.0 PRE-INSPECTION ACTIVITIES

2.1 Regulatory Oversight Authorities

This section is intended for inspectors with regulatory oversight authority such as agents of the DOW or a local municipality, or others acting on their behalf, such as county Soil and Water Conservation District staff. Examples of other regulatory oversight authorities include: the United States Environmental Protection Agency (EPA); New York City Department of Environmental Protection (DEP), Adirondack Park Agency (APA); the Lake George Park Commission (LGPC), and the Skaneateles Lake Watershed Authority (SLWA). Before arriving on-site to conduct the inspection, considerations concerning communication, documentation and equipment must be made.

Regulatory oversight authority is granted by state or local law to government agencies or, depending upon the particular law, an authorized representative of state or local government. SPDES rules 6 NYCRR 750-2.3 and Environmental Conservation Law 17-0303(6) and 17-0829(a) all allow for authorized representatives of the (NYSDEC) commissioner to perform all the duties of an inspector.

2.1.1 Communication

Coordination with Other Entities

Where appropriate, prior to selecting sites for inspection, compliance inspectors should communicate with other regulatory oversight authorities to avoid unnecessary duplication or to coordinate follow-up to inspections performed by other regulatory oversight authorities.

Announced vs. Unannounced Inspection

Inspections may be announced or unannounced. Each method has its own advantages and disadvantages. Unannounced inspections are preferred, however many job sites are not continuously manned, or not always staffed by someone who is familiar with the SWPPP, thus necessitating an announced inspection. As an alternative, when an announced inspection is necessary, inspectors should try to give as little advanced warning as possible (24 hours is suggested).

Itinerary

For obvious safety reasons, inspectors should be sure to inform someone in their office which site or sites they will be visiting prior to leaving the to perform inspections.

2.1.2 Documentation

Data Review

The inspector should review any available information such as:

- Notice of Intent
- Stormwater Pollution Prevention Plan
- Past inspection records
- Phasing plan

- Construction sequence
- Inspection and Maintenance schedules
- Site specific issues
- Consent Orders
- Access agreements

Inspection Form

The inspector should have copies of, and be familiar with, the inspection form used by their regulatory oversight authority (example in Attachment 1) before leaving the office. Static information such as name, location and permit number can be entered onto the inspection form prior to arriving at the inspection site.

Credentials

Inspectors should always carry proper identification to prove that they are employed by an entity with jurisdictional authority. Failure to display proper credentials may be legal grounds for denial of entry to a site.

2.1.3 Equipment

Personal Protective Equipment

DOW employees must conform to the DOW Health and Safety policy as it relates to personal protective equipment. Other regulatory oversight authorities should have their own safety policies or, if not, may wish to consult the OSHA health and safety tool at: www.osha.gov/dep/etools/ehasp/ to develop a health and safety plan.

The following is a list of some of the most common health and safety gear that may be needed:

- Hard hat (Class G, Type I or better)
- Safety toe shoes
- Reflective vest
- Hearing protection (to achieve 85 dBA - 8 hr TWA)
- Safety glasses with side shields

If the construction is on an industrial site or a hazardous waste site, special training may be required prior to entering the site. The inspector should consult with OSHA or NYSDEC prior to entering such a site.

Monitoring Equipment

The following is a list of some equipment that may be helpful to document facts and verify compliance:

- Digital Camera
- Measuring tape or wheel
- Hand level or clinometer
- Turbidity meter (in limited circumstances)

2.2 Permittee's Self-inspection

This section is intended for qualified professionals who conduct site self-inspections on behalf of owner/operators. Self-inspectors are responsible for performing inspections in accordance with permit requirements and reporting to site owners and operators the results and any recommendations resulting from the inspection.

Prior to conducting inspections, qualified professionals should ensure familiarity with the Stormwater Pollution Prevention Plan and previous inspection reports.

3.0 ON-SITE INSPECTION PROCESS

3.1 Compliance Inspections

3.1.1 Professionalism

Don't Pretend to Possess Knowledge

Unless the inspector has experience with a particular management practice, do not pretend to possess knowledge. Inspectors cannot be expert in all areas; their job is to collect information, not to demonstrate superior wisdom. Site operators are often willing to talk to someone who is inquisitive and interested. Within reason, asking questions to obtain new information about a management practice, construction technique or piece of equipment is one of the inspector's main roles in an inspection.

Don't Recommend Solutions

The inspector should not recommend solutions or endorse products. The solution to a compliance problem may appear obvious based on the inspector's experience. However, the responsibility should be placed on the site owner to implement a workable solution to a compliance problem that meets NYSDEC standards. The inspector should refer the site operator to the New York Standards and Specifications for Erosion and Sediment Control (the Blue Book) or the New York State Stormwater Management Design Manual (the Design Manual).

Key advice must be offered carefully. One experienced stormwater inspector suggests saying: "I can't direct you or make recommendations, but what we've seen work in other situations is ..."

The way inspectors present themselves is important to the effectiveness of the inspection. An inspector cannot be overly familiar, but will be more effective if able to establish a minimum level of communication.

3.1.2 Safety

DOW employees must conform to Division health and safety policies when on a construction site. Other regulatory oversight authorities should have their own safety policies or, if not, may

wish to consult the OSHA health and safety tool at:

www.osha.gov/dep/etools/ehasp to develop a health and safety plan.

Some general protections for construction sites are:

- Beware of heavy equipment, avoid operator blind spots and make sure of operator eye contact around heavy equipment.
- Avoid walking on rock rip-rap if possible. Loose rock presents a slip hazard.
- Stay out of confined spaces like tanks, trenches and foundation holes.
- Avoid lightning danger. Monitor weather conditions, get out of water, avoid open areas and high points, do not huddle in groups or near trees.
- Protect yourself from sun and heat exposure. Use sun screen or shading clothing. Remain hydrated by drinking water, watching for signs of heat cramps, exhaustion (fatigue, nausea, dizziness, headache, cool or moist skin), or stroke (high body temperature; red, hot and dry skin)
- Protect yourself from cold weather. Wear multiple layers of thin clothing. Wear a warm hat. Drink warm fluids or eat hot foods, and keep dry.
- Avoid scaffolding in excess of 4 feet above grade.
- Beware of ticks, stinging insects, snakes and poison ivy or sumac.

3.1.3 Legal access

DOW has general powers, set forth under ECL 17-0303, subparagraph 6, to enter premises for inspections. In addition, ECL 3-0301.2 conveys general statutory authority granting the DOW the power to access private property to fulfill DOW obligations under the law.

ECL 15-0305 gives the DOW the authority to enter at all times in or upon any property, public or private, for the purpose of inspecting or investigating conditions affecting the construction of improvements to or developments of water resources for the public health, safety or welfare.

ECL 17-0829 allows an authorized DOW representative, upon presentation of their credentials, to enter upon any premises where any effluent source is located, or in which records are required to be maintained. The representative may at reasonable times have access to, and sample discharges/pollutants to the waters or to publicly owned treatment plants where the effluent source is located. This subparagraph provides DOW representatives performing their duties authority to enter a site to pursue administrative violations. Pursuing criminal violations may require a warrant or the owner's permission to enter the site.

For sites that are permitted, DOW has authority under the permit to enter the site.

If the owner/operator's representatives onsite deny access, the inspector *should not* physically force entry. Under these circumstances the attorney representing the inspector should be immediately notified and consideration should be given to soliciting the aid of a law officer to obtain entry.

DOW staff have the right to enter at any reasonable time. If no one is available, and the site is fenced or posted, DOW staff should make all reasonable efforts to identify, contact and notify the owner that the DOW is entering the site. If the inspector has made all reasonable efforts to contact site owners, but was unable to do so, the site can then be accessed. All efforts should be taken not to cause any damage to the facility.

Other regulatory oversight authorities should seek advice on their legal authorities to enter a job site. Municipalities that have adopted Article 6 of the New York State Sample Local Law for Stormwater Management and Erosion and Sediment Control (NYSDEC, 2004, updated 2006) will have legal authority to enter sites in accordance with that chapter and any other existing municipal authority .

Agents of DOW have authority similar DOW staff authority to enter sites. However, DOW staff enjoy significant personal liability protections as state employees. That liability protection may not be the same for authorized representatives of DOW. For authorized representatives of DOW (or other regulatory oversight authorities), it is prudent to obtain permission to enter the site. If such permission is denied, the authorized representatives should inform the appropriate DOW contact, usually the regional water manager.

3.1.4 Find the Legally Responsible Party (Construction Manager, Self-inspector)

The first action a compliance inspector should take upon entering a construction site is to find the construction trailer or the construction or project manager if they are available. The inspector should present appropriate identification to the site's responsible party and state the reason for the inspection; construction stormwater complaint response or neutral construction stormwater inspection. If the inspection is initiated as a response to a complaint, frequently the responsible party will ask who made the complaint. DOW keeps private individual complainants confidential. If the complainant is another regulatory oversight authority, DOW tends to make that known to the site's responsible party.

3.1.5 On-site records review (NOI, SWPPP, Self-inspection Reports, Permit)

Generally, the compliance inspector should next review the on-site records. Verify that a copy of the construction stormwater permit and NOI are on-site. Verify that the acreage, site conditions, and receiving water listed on the NOI are accurate. Compare the on-site documentation with documentation already submitted to, or obtained by the compliance inspector.

If the SWPPP has not been reviewed in the office, verify that it exists and contains the minimum required components (16 for a basic plan and 22 for a full plan). On-site review of the SWPPP should determine if: there is an appropriate phasing plan; the acreage disturbed in each phase, construction sequence for each phase; proposed implementation of erosion and sediment control measures; and, where required, post construction controls. For each of the erosion and sediment control practices, the SWPPP must show design details in accordance with the NYS Standards for Erosion and Sediment Controls. The SWPPP must also include provisions for maintenance of practices during construction. On-site review of post construction controls is generally limited to verification that the proposed stormwater management practices are shown on the site plan.

Where self-inspections are required, self-inspection reports are a significant tool for the compliance inspector to determine the performance history of the site. The self-inspection reports should be done with the required frequency. Self-inspection reports must include all the details required by the permit. Generally, it is desirable for permit information to be shown on a site plan. The compliance inspector should become familiar with the report and use that familiarity to judge whether the self-inspections are being performed correctly and that the site operator is correcting deficiencies noted in the report.

3.1.6 Walk the Site

During wet weather conditions, it may be advantageous to observe the receiving waters prior to walking the rest of the site. At some point during the inspection, the receiving water conditions must be observed and noted. It is critical to note if there is a substantial visible contrast to natural conditions, or evidence of deposition, streambank erosion, construction debris or waste materials (e.g. concrete washdown) in the receiving stream.

Each inspector should evaluate actual implementation and maintenance of practices on-site compared to how implementation and maintenance is detailed in the SWPPP. At a minimum, the compliance inspector should observe all areas of active construction. Observing equipment or materials storage, recently stabilized areas, or stockpile areas is also appropriate to evaluate the effectiveness of management practices.

3.1.7 Taking Photographs

Evidence of poor receiving water conditions and poor or ineffective practices should be documented with digital photographs. Those photographs should be logged date stamped and stored on media that cannot be edited (e.g. write only CDs). Photos should also be appended to the site inspector's report.

It is also beneficial to take photographs of good practices for educational and technology transfer reasons.

3.1.8 Exit Interview

Clearly communicate expectations and consequences. If it is clear from the inspection that the owner/operator must modify the SWPPP, or modify management practices within an assigned period (e.g. 24 hours, 48 hours, one week, two weeks), then that finding should be communicated at the time of the exit interview. The inspector should assign the period based on factors such as how long it would reasonably take to complete such modifications and the level of risk to water quality associated with failure to make such modifications.

The inspector should make clear that NYSDEC reserves rights to future enforcement actions. If the inspector's supervisor or enforcement coordinator determines additional enforcement actions are necessary, the inspector *should not* reassure the owner/operator that the current situation is acceptable.

3.2 Non-permitted Site Inspections

For sites not authorized in accordance with state or local laws, the process will be abbreviated. First verify the need for authorization and observe receiving waters to detect water quality standard violations. If there is a violation, notify the owner of the violation or other compliance actions in response to their illicit activity. For DOW staff, Attachment 2 or a similar notice can be used to notify the site owner/operator that stormwater authorization is required.

3.3 Self-inspections

The role of the self-inspector is to verify that the site is complying with stormwater requirements. In particular, the self-inspector verifies that the SWPPP is being properly implemented. The self-inspector also documents SWPPP implementation so regulatory agencies can review implementation activities.

It is not the role of the self-inspector to report directly to regulatory authorities.

Appendix H of *The New York Standards and Specifications for Erosion and Sediment Control* - August 2005 (the Blue Book) includes a Construction Duration Inspection checklist that can be used by the owner/operators qualified professional for self-inspections. The Blue Book is available on the NYSDEC website.

3.3.1 Purpose

The self inspector should ensure that the project's SWPPP is being properly implemented. This includes ensuring that the erosion and sediment control practices are properly installed and being maintained in accordance with the SWPPP/Blue Book.

The project must be properly phased to limit the disturbance to less than five acres, and the construction sequence for each phase must be followed. The SWPPP must also be modified to address evolving circumstances. Finally, and most importantly, receiving waters must be protected.

If a soil disturbance will be greater than five acres at any given time, the site operator must obtain written permission from the DOW regional office.

3.3.2 Pre-construction Conference

The parties responsible for various aspects of stormwater compliance should be identified at the pre-construction conference. Responsible parties may include, but are not limited to, owner's engineer, owner/operator/permittee, contractors, and subcontractors.

Typical responsibilities include: installation of erosion and sediment control (E & SC) practices; maintenance of E & SC practices, inspection of E&SC practices, installation of post construction stormwater management practices (SMPs), inspection of post construction SMPs, SWPPP revisions, and contractor direction.

All parties should clearly know what is expected of them. Responsible parties should complete the Pre-construction Site Assessment Checklist provided in Appendix H of the Blue Book.

3.3.3 Inspection Preparation

The inspector should review the project's SWPPP (including the phasing plan, construction sequence and site specific issues) and the last few inspection reports (if the inspector has them available).

3.3.4 Self-inspection Components

Inspect installation, performance and maintenance of all E&SC practices

The self inspector should inspect all areas that are under active construction or disturbance and areas that are vulnerable to erosion. The self-inspector should also inspect areas that will be disturbed prior to the next inspection for measures required prior to construction (e.g. silt barriers, stabilized construction entrance, diversions). Finally, self-inspectors should inspect post-construction controls during and after installation.

Identify site deficiencies and corrective measures

The self-inspector's reports must be maintained in a log book on site and the log book must be made available to the regulatory authorities. Although the legal responsibility for filing a Notice of Termination lies with the owner/operator, the self-inspector may also be called upon to perform a final site inspection, including post construction SMPs, prior to filing the Notice of Termination.

4.0 POST-INSPECTION ACTIVITIES

4.1 Regulatory Oversight Authorities

This section is intended for inspectors with regulatory oversight authority such as agents of the DOW or a local municipality, or others acting on their behalf (such as County Soil and Water Conservation District staff.) Upon completion of an inspection, inspection results should be documented for the record.

4.1.1 Written Notification

The inspector should inform the permittee or the on-site representative of their inspection results in writing by sending the permittee a complete, signed copy of the inspection report. The inspection report should be transmitted under a cover letter which elaborates on any deficiencies noted in the inspection report. It is not a good idea to commend exceptional efforts by the owner/operator in a letter, because such letters tend to undermine enforcement efforts when compliance status at a site degrades.

The inspector should consider providing a copy of the cover letter and inspection report to other parties with including:

- Permittee
- Contractor(s)
- Other regulatory oversight authorities
- Other parties present during the inspection (e.g. SWPPP preparer, permittee's self-inspector, etc.)

For DOW staff, an example of the inspection cover letter is included as Attachment 3.

4.1.2 Inspection Tracking

DOW staff must enter their inspection results into the electronic *Water Compliance System*.

Local municipalities and other regulatory oversight authorities are encouraged to develop an electronic tracking system in which to record their inspections.

4.2 Permittee's Self-inspections

This section is intended for qualified professionals who conduct site inspections for permittees in accordance with a SPDES permit or local requirements.

4.2.1 Written Records

Inspection Reports

The inspector shall prepare a written report summarizing inspection results. The inspection report is then provided to the permittee, or the permittee's duly authorized representative, and to the contractor responsible for implementing stormwater controls on-site in order to correct deficiencies noted in the inspection report. Finally, the inspection report must be added to the site log book that is required to be maintained on-site, and be available to regulatory oversight authorities for review.

4.2.2 Stormwater Pollution Prevention Plan Revisions

The inspector must inform the permittee of his/her duty to amend the Stormwater Pollution Prevention Plan (SWPPP) whenever an inspection proves the SWPPP to be ineffective in:

- Eliminating or significantly minimizing pollutants from on-site sources
- Achieving the general objectives of controlling pollutants in stormwater discharges from permitted construction activity
- Eliminating discharges that cause a substantial visible contrast to natural conditions

ATTACHMENT 1

Construction Stormwater Compliance Inspection Report

Project Name and Location:	Date:	Page 1 of 2
Municipality: County:	Permit # (if any): NYR	
	Entry Time:	Exit Time:
On-site Representative(s) and contact information:	Weather Conditions:	
Name and Address of SPDES Permittee/Title/Phone/Fax Numbers: Contacted: Yes <input type="checkbox"/> No <input type="checkbox"/>		

INSPECTION CHECKLIST

SPDES Authority

Yes No N/A

1. Is a copy of the NOI posted at the construction site for public viewing?
2. Is an up-to-date copy of the signed SWPPP retained at the construction site?
3. Is a copy of the SPDES General Permit retained at the construction site?

Law, rule or permit citation

SWPPP Content

Yes No N/A

4. Does the SWPPP describe and identify the erosion & sediment control measures to be employed?
5. Does the SWPPP provide a maintenance schedule for the erosion & sediment control measures?
6. Does the SWPPP describe and identify the post-construction SW control measures to be employed?
7. Does the SWPPP identify the contractor(s) and subcontractor(s) responsible for each measure?
8. Does the SWPPP include all the necessary 'CONTRACTOR CERTIFICATION' statements?
9. Is the SWPPP signed/certified by the permittee?

Law, rule or permit citation

Recordkeeping

Yes No N/A

10. Are inspections performed as required by the permit (every 7 days and after 1/2" rain event)?
11. Are the site inspections performed by a qualified professional?
12. Are all required reports properly signed/certified?
13. Does the SWPPP include copies of the monthly/quarterly written summaries of compliance status?

Law, rule or permit citation

Visual Observations

Yes No N/A

14. Are all erosion and sediment control measures installed/constructed?
15. Are all erosion and sediment control measures maintained properly?
16. Have all disturbances of 5 acres or more been approved prior to the disturbance?
17. Are stabilization measures initiated in inactive areas?
18. Are permanent stormwater control measures implemented?
19. Was there a discharge into the receiving water on the day of inspection?
20. Are receiving waters free of there evidence of turbidity, sedimentation, or oil ? (If no , complete Page 2)

Law, rule or permit citation

Overall Inspection Rating: <input type="checkbox"/> Satisfactory <input type="checkbox"/> Marginal <input type="checkbox"/> Unsatisfactory	
Name/Agency of Lead Inspector:	Signature of Lead Inspector:
Names/Agencies of Other Inspectors:	

Water Quality Observations

Describe the discharge(s) [source(s), impact on receiving water(s), etc.] _____

Describe the quality of the receiving water(s) both upstream and downstream of the discharge _____

Describe any other water quality standards or permit violations _____

Additional Comments: _____

Photographs attached

ATTACHMENT 2

**** NOTICE ****

On March 10, 2003, provisions of the Federal Clean Water Act went into effect that apply to many construction operations.

If your construction operations result in the disturbance of one acre or greater and stormwater runoff from your site reaches surface waters (i.e., lake, stream, road side ditch, swale, storm sewer system, etc.), the stormwater runoff from your site must be covered by a State Pollutant Discharge Elimination System (SPDES) Permit issued by the New York State Department of Environmental Conservation (NYSDEC).

To facilitate your compliance with the law, NYSDEC has issued a General Permit which may be applicable to your project. To obtain coverage under this General Permit, you need to prepare a Stormwater Pollution Prevention Plan (SWPPP) and then file a Notice of Intent (NOI) to the NYSDEC headquarters in Albany. The NOI form is available on the DEC website. You may also obtain a copy of the NOI form at the nearest NYSDEC regional offices.

When you file your NOI you are certifying that you have developed a SWPPP and that it will be implemented prior to commencing construction. When you submit the NOI you need to indicate if your SWPPP is in conformance with published NYSDEC technical standards; if it is, your SPDES permit coverage will be effective in as few as five business days. If your SWPPP does not conform to the DEC technical standards, coverage will not be available for at least 60 business days.

Failure to have the required permit can result in legal actions which include Stop Work Orders and/or monetary penalties of up to \$37,500/day

If your construction operations are already in progress and you are not covered by an appropriate NYSDEC permit contact the NYSDEC Regional Water Engineer as soon as possible. If your construction field operations have not yet commenced, review the NOI and the General Permit on the DEC's website or at the DEC regional office for your area. When you are comfortable that you understand and comply with the requirements, file your NOI.

The requirement to file an NOI does not replace any local requirements. Developers/Contractors are directed to contact the Local Code Enforcement Officer or Stormwater Management Officer for local requirements.

ATTACHMENT 3

<< Date >>

Mr. John Smith
123 Main Street
Ferracane, NY 12345

**Re: Stormwater Inspection
SPDES Permit Identification No. NYR10Z000 (through SPDES No. GP-02-01)
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)**

Dear Mr. Smith:

On the afternoon of << date >> I conducted an inspection of the construction activities associated with the Blowing Leaves Subdivision located on County Route 1 in the town of Gasper, Eaton County. The inspection was conducted in the presence of you and Mr. Samuel Siltfence of Acme Excavating Co., Inc. The purpose of the inspection was to verify compliance with the *State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activity* ("the general permit").

The overall rating for the project at the time of the inspection was *unsatisfactory*. A copy of my inspection report is attached for your information. In addition to the report, I would like to elaborate on the following:

SPDES Authority

- In accordance with subdivision 750-2.1 (a) of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR), a copy of your permit must be retained at the construction site. You did not have a copy of the general permit at the site. **Your failure to retain a copy of the general permit at the construction site is a violation of 6 NYCRR Part 750-2.1 (a).** Please retain a copy of the general permit at the site from this point forward.

SWPPP Content

- In accordance with Part III.E.2. of the general permit, contractors and subcontractors must certify that they understand the terms and conditions of the general permit and the SWPPP before undertaking any construction activity at the site. Your SWPPP does not include a certification statement from Acme Excavating Co., Inc. **The failure of your contractor to sign this certification before undertaking construction activity at the site is a violation of Part III.E.2. of the general permit.** Please obtain copies of all necessary certifications and provide copies of them to each party who holds a copy of your SWPPP.
- In accordance with Part V.H.2. of the general permit, SWPPP's must be certified by the permittee. Your SWPPP was not certified by you. **Your failure to certify your SWPPP is a**

Mr. John Smith
Re: SPDES Inspection
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)

<< Date >>

violation of Part V.H.2. of the general permit. Please certify your SWPPP.

Recordkeeping

- In accordance with Parts III.D.3.a. and III.D.3.b. of the general permit, permittees must have a qualified professional conduct site inspections within 24 hours of the end of 0.5" or greater rain events and at least once per week. A review of your records revealed that your "self-inspections" are only being conducted about two or three times per month. **Your failure to have a qualified professional conduct inspections at the required frequency is a violation of Part III.D.3.b. of the general permit.** Please immediately direct your qualified professional to conduct your site inspections at the required frequency.
- Although the frequency of self-inspections does not meet requirements, the quality of them is very good. Your qualified professional has accurately noted the same SWPPP deficiencies and necessary maintenance activities that I also observed, and prepared thorough sketches on the self-inspection site maps.
- In accordance with Part V.H.2. of the general permit, the permittee must certify all reports required by the permit. A review of your records showed that your self-inspection reports were not certified. **Your failure to certify your self-inspection reports is a violation of Part V.H.2. of the general permit.** Please sign and certify any and all existing and future self-inspection reports.

Visual Observations

- In accordance with Parts III.A.2. and III.A.3. of the general permit, all erosion and sediment controls (E&SC) measures must be installed (as detailed in the SWPPP) prior to the initiation of construction. During the inspection, I noted all of your E&SC measures have been correctly installed at the right times and locations.
- In accordance with Part V.L. of the general permit, all of the E&SC measures at your site must be maintained properly. While on site I observed that, among other things, the section of silt fence in place parallel to County Route 1 is in various stages of disrepair. **The failure of your contractor to adequately maintain the E&SC measures currently in place at your site is a violation of Part V.L of the general permit.** Please direct your contractor to repair this silt fence immediately and to diligently maintain all of the other required E&SC measures as they are brought to his attention by your qualified professional.
- This inspection was conducted during a rain event which resulted in a stormwater discharge to the municipal separate storm sewer system (MS4) being operated by the Eaton County Department of Public Works. Your discharge was visibly turbid whereas upstream water MS4 was clear. As a result, the discharge from the MS4 outfall into Karimipour Creek was causing

Mr. John Smith
Re: SPDES Inspection
Blowing Leaves Subdivision
Gasper (T), Eaton (Co.)

<< Date >>

slight turbidity. Please be advised that the narrative water quality standard for turbidity in Karimipour Creek is “no increase that will cause a substantial visible contrast to natural conditions.” I attribute the lack of maintenance of your E&SC measures to be the primary cause of the turbid discharge. Please be reminded that the general permit does not authorize you cause or contribute to a condition in contravention of any water quality standards.

If you have any questions or comments, please feel free to contact me at (999) 456-5432.

Sincerely,

Hector D. Inspector, CPESC
Environmental Program Specialist 2

HDI:ms
Attachment

cc w/att.: Chester Checkdam, (T) Gasper Code Enforcement Officer
Samuel Siltfence, Acme Excavating Co., Inc.

APPENDIX G

EROSION AND SEDIMENT CONTROL PLAN REVIEW CHECKLIST

Project Name _____ Site Location _____

Applicant's Name & Address _____

General

A narrative statement shall be provided that describes the proposed project nature and purpose; the existing site conditions including topography, vegetation and drainage; adjacent and off-site areas affected by the project; description of the soils on the site and key properties; notations of critical areas such as steep slopes, channels or wetlands; the overall phasing, sequencing and stabilization plan; total disturbed area and those not to be disturbed.

I. Construction Drawings

Are the following items shown on the construction drawings:	<u>Yes</u>	<u>No</u>
1. Vicinity Map with scale and north arrow	_____	_____
2. Legend, scales, N arrow on plan view	_____	_____
3. Existing and proposed topography shown with contours labeled with spots elevations in critical areas	_____	_____
4. Scope of the plan noted in the Title Block	_____	_____
5. Limits of clearing and grading shown	_____	_____
6. Existing vegetation delineated	_____	_____
7. Soil boundaries shown on the plan view	_____	_____
8. Existing drainage patterns, 100 year floodplain and sub-areas shown	_____	_____
9. Existing and proposed development facilities/ improvements shown	_____	_____
10. Location of Erosion and Sediment control practices as phased with construction	_____	_____
11. Phasing plan with 5 acre threshold limits shown	_____	_____
12. Stockpile locations, staging areas and access points clearly defined	_____	_____
13. Street profiles, utility locations, property boundaries and, easement delineations shown	_____	_____

II. <u>Construction Notes & Details</u>	<u>Yes</u>	<u>No</u>
1. Specific sequence of operation given for each phase	___	___
2. Inspection and maintenance schedule shown for the specific practices	___	___
3. Design details show all dimensions and installation details necessary for construction	___	___
4. Implementation schedule for E&S practices is provided with removal criteria stated	___	___
5. Construction waste management plan incorporated in the notes	___	___
6. Site Inspections during construction are noted on the drawings and is in accordance with the General Permit for Stormwater Discharges from Construction Activities	___	___

III. Erosion & Sediment Control Practices

A. General	<u>Yes</u>	<u>No</u>
1. Practice meets purpose and design criteria	___	___
2. Standard details and construction notes are provided	___	___
3. Special timing of practice noted if applicable	___	___
4. Provisions for traffic crossings shown on the drawings where necessary	___	___

B. Practices Controlling Runoff	<u>Yes</u>	<u>No</u>
1. Positive drainage is maintained with contributing drainage area shown	___	___
2. Flow grades properly stabilized	___	___
3. Adequate outlet or discharge condition stabilized	___	___
4. Necessary dimensions, gradations, calculations, and materials shown	___	___

C. Practices Stabilizing Soil	<u>Yes</u>	<u>No</u>
1. Seeding rates and areas properly shown on the drawings	___	___
2. Mulch materials and rates specified on the drawings	___	___
3. Sequencing and timing provisions limit soil exposure to 14 days	___	___

C. Practices Stabilizing Soil (cont'd)	<u>Yes</u>	<u>No</u>
4. Rolled Erosion Control Products (RECP's) used are specified to location and appropriate weight/tie down	_____	_____
5. All soil seed bed preparation and amendments are specified on the drawings or in the specifications	_____	_____
6. The seeding dates are specified to cover the entire year for both temporary and permanent seedings	_____	_____
7. Maximum created slope is no steeper than 2 foot horizontal to 1 foot vertical with Cut and Fill slopes shown	_____	_____

D. Practices Controlling Sediment	<u>Yes</u>	<u>No</u>
1. Sediment traps/basins are sized in accordance with criteria	_____	_____
2. The contributing drainage area is shown on the grading plan	_____	_____
3. All scaled dimensions and volumes are shown on the plan	_____	_____
4. Maintenance requirements and clean out elevations established for all sediment control practices (50% capacity)	_____	_____
5. All access points of the project are shown to be stabilized	_____	_____
6. Storm drain inlets adequately protected	_____	_____
7. Silt fences are shown on the contour lines with no more than one quarter acre per 100 foot drainage to it	_____	_____
8. Temporary sediment traps being used at locations of future stormwater infiltration facilities	_____	_____

Additional Comments

Plan Reviewed By: _____ Date: _____

APPENDIX H

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM FOR CONSTRUCTION ACTIVITIES CONSTRUCTION SITE LOG BOOK

Table of Contents

- I. Pre-Construction Meeting Documents
 - a. Preamble to Site Assessment and Inspections
 - b. Operator's Certification
 - c. Qualified Professional's Credentials & Certification
 - d. Pre-Construction Site Assessment Checklist

- II. Construction Duration Inspections
 - a. Directions
 - b. Modification to the SWPPP

- III. Monthly Summary Reports

- IV. Monitoring, Reporting, and Three-Month Status Reports
 - a. Operator's Compliance Response Form

Properly completing forms such as those contained in Appendix H meet the inspection requirement of NYS-DEC SPDES GP for Construction Activities. Completed forms shall be kept on site at all times and made available to authorities upon request.

I. PRE-CONSTRUCTION MEETING DOCUMENTS

Project Name _____
Permit No. _____ **Date of Authorization** _____
Name of Operator _____
Prime Contractor _____

a. Preamble to Site Assessment and Inspections

The Following Information To Be Read By All Person's Involved in The Construction of Stormwater Related Activities:

The Operator agrees to have a qualified professional¹ conduct an assessment of the site prior to the commencement of construction² and certify in this inspection report that the appropriate erosion and sediment controls described in the SWPPP have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction.

Prior to the commencement of construction, the Operator shall certify in this site logbook that the SWPPP has been prepared in accordance with the State's standards and meets all Federal, State and local erosion and sediment control requirements.

When construction starts, site inspections shall be conducted by the qualified professional at least every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater (Construction Duration Inspections). The Operator shall maintain a record of all inspection reports in this site logbook. The site logbook shall be maintained on site and be made available to the permitting authorities upon request. The Operator shall post at the site, in a publicly accessible location, a summary of the site inspection activities on a monthly basis (Monthly Summary Report).

The operator shall also prepare a written summary of compliance with this general permit at a minimum frequency of every three months (Operator's Compliance Response Form), while coverage exists. The summary should address the status of achieving each component of the SWPPP.

Prior to filing the Notice of Termination or the end of permit term, the Operator shall have a qualified professional perform a final site inspection. The qualified professional shall certify that the site has undergone final stabilization³ using either vegetative or structural stabilization methods and that all temporary erosion and sediment controls (such as silt fencing) not needed for long-term erosion control have been removed. In addition, the Operator must identify and certify that all permanent structures described in the SWPPP have been constructed and provide the owner(s) with an operation and maintenance plan that ensures the structure(s) continuously functions as designed.

1 "Qualified Professional means a person knowledgeable in the principles and practice of erosion and sediment controls, such as a Certified Professional in Erosion and Sediment Control (CPESC), soil scientist, licensed engineer or someone working under the direction and supervision of a licensed engineer (person must have experience in the principles and practices of erosion and sediment control).

2 "Commencement of construction" means the initial removal of vegetation and disturbance of soils associated with clearing, grading or excavating activities or other construction activities.

3 "Final stabilization" means that all soil-disturbing activities at the site have been completed and a uniform, perennial vegetative cover with a density of eighty (80) percent has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed on all unpaved areas and areas not covered by permanent structures.

b. Operators Certification

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. Further, I hereby certify that the SWPPP meets all Federal, State, and local erosion and sediment control requirements. I am aware that false statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Name (please print): _____

Title _____ **Date:** _____

Address: _____

Phone: _____ **Email:** _____

Signature: _____

c. Qualified Professional's Credentials & Certification

"I hereby certify that I meet the criteria set forth in the General Permit to conduct site inspections for this project and that the appropriate erosion and sediment controls described in the SWPPP and as described in the following Pre-construction Site Assessment Checklist have been adequately installed or implemented, ensuring the overall preparedness of this site for the commencement of construction."

Name (please print): _____

Title _____ **Date:** _____

Address: _____

Phone: _____ **Email:** _____

Signature: _____

d. Pre-construction Site Assessment Checklist

(NOTE: Provide comments below as necessary)

1. Notice of Intent, SWPPP, and Contractors Certification:

Yes No NA

- Has a Notice of Intent been filed with the NYS Department of Conservation?
- Is the SWPPP on-site? Where? _____
- Is the Plan current? What is the latest revision date? _____
- Is a copy of the NOI (with brief description) onsite? Where? _____
- Have all contractors involved with stormwater related activities signed a contractor's certification?

2. Resource Protection

Yes No NA

- Are construction limits clearly flagged or fenced?
- Important trees and associated rooting zones, on-site septic system absorption fields, existing vegetated areas suitable for filter strips, especially in perimeter areas, have been flagged for protection.
- Creek crossings installed prior to land-disturbing activity, including clearing and blasting.

3. Surface Water Protection

Yes No NA

- Clean stormwater runoff has been diverted from areas to be disturbed.
- Bodies of water located either on site or in the vicinity of the site have been identified and protected.
- Appropriate practices to protect on-site or downstream surface water are installed.
- Are clearing and grading operations divided into areas <5 acres?

4. Stabilized Construction Entrance

Yes No NA

- A temporary construction entrance to capture mud and debris from construction vehicles before they enter the public highway has been installed.
- Other access areas (entrances, construction routes, equipment parking areas) are stabilized immediately as work takes place with gravel or other cover.
- Sediment tracked onto public streets is removed or cleaned on a regular basis.

5. Perimeter Sediment Controls

Yes No NA

- Silt fence material and installation comply with the standard drawing and specifications.
- Silt fences are installed at appropriate spacing intervals
- Sediment/detention basin was installed as first land disturbing activity.
- Sediment traps and barriers are installed.

6. Pollution Prevention for Waste and Hazardous Materials

Yes No NA

- The Operator or designated representative has been assigned to implement the spill prevention avoidance and response plan.
- The plan is contained in the SWPPP on page _____
- Appropriate materials to control spills are onsite. Where? _____

II. CONSTRUCTION DURATION INSPECTIONS

a. Directions:

Inspection Forms will be filled out during the entire construction phase of the project.

Required Elements:

- (1) On a site map, indicate the extent of all disturbed site areas and drainage pathways. Indicate site areas that are expected to undergo initial disturbance or significant site work within the next 14-day period;
- (2) Indicate on a site map all areas of the site that have undergone temporary or permanent stabilization;
- (3) Indicate all disturbed site areas that have not undergone active site work during the previous 14-day period;
- (4) Inspect all sediment control practices and record the approximate degree of sediment accumulation as a percentage of sediment storage volume (for example, 10 percent, 20 percent, 50 percent);
- (5) Inspect all erosion and sediment control practices and record all maintenance requirements such as verifying the integrity of barrier or diversion systems (earthen berms or silt fencing) and containment systems (sediment basins and sediment traps). Identify any evidence of rill or gully erosion occurring on slopes and any loss of stabilizing vegetation or seeding/mulching. Document any excessive deposition of sediment or ponding water along barrier or diversion systems. Record the depth of sediment within containment structures, any erosion near outlet and overflow structures, and verify the ability of rock filters around perforated riser pipes to pass water; and
- (6) Immediately report to the Operator any deficiencies that are identified with the implementation of the SWPPP.

SITE PLAN/SKETCH

Inspector (print name)

Date of Inspection

Qualified Professional (print name)

Qualified Professional Signature

The above signed acknowledges that, to the best of his/her knowledge, all information provided on the forms is accurate and complete.

Maintaining Water Quality

Yes No NA

- Is there an increase in turbidity causing a substantial visible contrast to natural conditions?
- Is there residue from oil and floating substances, visible oil film, or globules or grease?
- All disturbance is within the limits of the approved plans.
- Have receiving lake/bay, stream, and/or wetland been impacted by silt from project?

Housekeeping

1. General Site Conditions

Yes No NA

- Is construction site litter and debris appropriately managed?
- Are facilities and equipment necessary for implementation of erosion and sediment control in working order and/or properly maintained?
- Is construction impacting the adjacent property?
- Is dust adequately controlled?

2. Temporary Stream Crossing

Yes No NA

- Maximum diameter pipes necessary to span creek without dredging are installed.
- Installed non-woven geotextile fabric beneath approaches.
- Is fill composed of aggregate (no earth or soil)?
- Rock on approaches is clean enough to remove mud from vehicles & prevent sediment from entering stream during high flow.

Runoff Control Practices

1. Excavation Dewatering

Yes No NA

- Upstream and downstream berms (sandbags, inflatable dams, etc.) are installed per plan.
- Clean water from upstream pool is being pumped to the downstream pool.
- Sediment laden water from work area is being discharged to a silt-trapping device.
- Constructed upstream berm with one-foot minimum freeboard.

2. Level Spreader

Yes No NA

- Installed per plan.
- Constructed on undisturbed soil, not on fill, receiving only clear, non-sediment laden flow.
- Flow sheets out of level spreader without erosion on downstream edge.

3. Interceptor Dikes and Swales

Yes No NA

- Installed per plan with minimum side slopes 2H:1V or flatter.
- Stabilized by geotextile fabric, seed, or mulch with no erosion occurring.
- Sediment-laden runoff directed to sediment trapping structure

CONSTRUCTION DURATION INSPECTIONS
Runoff Control Practices (continued)

4. Stone Check Dam

Yes No NA

- Is channel stable? (flow is not eroding soil underneath or around the structure).
- Check is in good condition (rocks in place and no permanent pools behind the structure).
- Has accumulated sediment been removed?.

5. Rock Outlet Protection

Yes No NA

- Installed per plan.
- Installed concurrently with pipe installation.

Soil Stabilization

1. Topsoil and Spoil Stockpiles

Yes No NA

- Stockpiles are stabilized with vegetation and/or mulch.
- Sediment control is installed at the toe of the slope.

2. Revegetation

Yes No NA

- Temporary seedings and mulch have been applied to idle areas.
- 4 inches minimum of topsoil has been applied under permanent seedings

Sediment Control Practices

1. Stabilized Construction Entrance

Yes No NA

- Stone is clean enough to effectively remove mud from vehicles.
- Installed per standards and specifications?
- Does all traffic use the stabilized entrance to enter and leave site?
- Is adequate drainage provided to prevent ponding at entrance?

2. Silt Fence

Yes No NA

- Installed on Contour, 10 feet from toe of slope (not across conveyance channels).
 - Joints constructed by wrapping the two ends together for continuous support.
 - Fabric buried 6 inches minimum.
 - Posts are stable, fabric is tight and without rips or frayed areas.
- Sediment accumulation is ___% of design capacity.

Sediment Control Practices (continued)

3. Storm Drain Inlet Protection (Use for Stone & Block; Filter Fabric; Curb; or, Excavated practices)

Yes No NA

- Installed concrete blocks lengthwise so open ends face outward, not upward.
 - Placed wire screen between No. 3 crushed stone and concrete blocks.
 - Drainage area is 1acre or less.
 - Excavated area is 900 cubic feet.
 - Excavated side slopes should be 2:1.
 - 2" x 4" frame is constructed and structurally sound.
 - Posts 3-foot maximum spacing between posts.
 - Fabric is embedded 1 to 1.5 feet below ground and secured to frame/posts with staples at max 8-inch spacing.
 - Posts are stable, fabric is tight and without rips or frayed areas.
- Sediment accumulation ___% of design capacity.

4. Temporary Sediment Trap

Yes No NA

- Outlet structure is constructed per the approved plan or drawing.
 - Geotextile fabric has been placed beneath rock fill.
- Sediment accumulation is ___% of design capacity.

5. Temporary Sediment Basin

Yes No NA

- Basin and outlet structure constructed per the approved plan.
 - Basin side slopes are stabilized with seed/mulch.
 - Drainage structure flushed and basin surface restored upon removal of sediment basin facility.
- Sediment accumulation is ___% of design capacity.

Note: Not all erosion and sediment control practices are included in this listing. Add additional pages to this list as required by site specific design.
 Construction inspection checklists for post-development stormwater management practices can be found in Appendix F of the New York Stormwater Management Design Manual.

III. Monthly Summary of Site Inspection Activities

Name of Permitted Facility:	Today's Date:	Reporting Month:
Location:	Permit Identification #:	
Name and Telephone Number of Site Inspector:		

Date of Inspection	Regular / Rainfall based Inspection	Name of Inspector	Items of Concern

Owner/Operator Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that false statements made herein are punishable as a class A misdemeanor pursuant to Section 210.45 of the Penal Law."

Signature of Permittee or Duly Authorized Representative

Name of Permittee or Duly Authorized Representative

Date

Duly authorized representatives must have written authorization, submitted to DEC, to sign any permit documents.