

SOP 5: CONSTRUCTION SITE INSPECTION

Construction sites that lack adequate stormwater controls can contribute a significant amount of sediment to nearby bodies of water. The 2003 Massachusetts MS4 Permit required that permittees develop, implement and enforce a program to “reduce pollutants in any storm water runoff to the MS4” from construction activities of a certain size. The 2003 Massachusetts MS4 Permit established that permittees must implement this requirement for proposed construction that will disturb one acre (or more) of land, but some communities have applied the requirement for projects with a smaller proposed disturbance.

Each permittee was required to develop and adopt such regulatory mechanisms necessary to require erosion and sedimentation controls for these proposed projects, and to allow the use of monetary and non-monetary sanctions to enforce compliance, including any control measures in place at a construction site. If a proposed construction project exceeded the threshold (one acre of disturbance, at a minimum), the permittee was mandated to require that the proposed site operator implement an erosion and sediment control plan, which should identify stormwater Best Management Practices (BMPs) appropriate for the site, minimize the total land disturbance, and document a plan to control wastes from the site. The 2003 Massachusetts MS4 Permit also required permittees to develop a site plan review process, to begin with a preconstruction review, aimed at protecting the quality of water resources.

The objectives of the 2003 Massachusetts MS4 were reflected in USEPA’s 2008 Construction General Permit (CGP) and the USEPA 2012 CGP that replaced the 2008 CGP when it expired on February 15, 2012. The CGP is required if a proposed project will disturb one or more acres, total. As such, the CGP program is a tool for municipalities to ensure compliance with the 2003 MS4 Permit. Operators of sites that required coverage under the USEPA’s 2008 Construction General Permit but continue to be active should have submitted a new Notice of Intent (NOI) under the 2012 Permit.

This Standard Operating Procedure (SOP) describes the major components of a municipal Stormwater Construction Inspection Plan, as well as procedures for evaluating compliance of stormwater controls at construction sites. This SOP can be used for projects that require a CGP as well as smaller sites.

Stormwater Construction Inspection Plan

A stormwater Construction Site Inspection program is a program developed by municipalities to track, inspect, and enforce local stormwater requirements at construction sites.

This SOP assumes that the municipality has legal authority (i.e., a bylaw or ordinance) in place, per the requirements of the 2003 Massachusetts MS4 Permit, to require sediment and erosion control at construction sites. This legal authority must require construction site operators “to implement a sediment and erosion control program which includes [Best Management Practices] that are appropriate for the conditions at the construction site, including efforts to minimize the area of the land disturbance.” The legal authority must also give inspectors the authority to enter the site.

A municipal stormwater Construction Site Inspection program should include or address the following:

1. Construction Site Inventory
 - A tracking system to inventory projects and identify sites for inspection.
 - Track the results of inspection and prioritize sites based on factors such as proximity to waterways, size, slope, and history of past violations.
2. Construction Requirements and BMPs
 - Municipalities provide contractors with guidance on the appropriate selection and design of stormwater BMPs.
3. Plan Review Procedures
 - Submitted plans must be reviewed to ensure they address local requirements and protect water quality.
4. Public Input
 - Per the 2003 Massachusetts MS4 Permit, a program must allow the public to provide comment on inspection procedures, and must consider information provided by the public.
5. Construction Site Inspections
 - Identify an inspection frequency for each site.
 - See more detailed information below.
6. Enforcement Procedures
 - A written progressive enforcement policy for the inspection program.
 - Sanctions, both monetary and non-monetary, shall be utilized to ensure compliance with the program
7. Training and Education
 - Municipal staff conducting inspections should receive training on regulatory requirements, BMPs, inspections, and enforcement.

Conducting Stormwater Inspections at Construction Sites

A municipal compliance inspector has the authority to place the burden of demonstrating compliance on the site operator, or contractor, to the greatest extent possible. Activities and documentation in the following sections may be performed or completed by either the site operator's inspector or a municipal inspector, so the general terms "construction site inspector" and "inspector" have been used.

The role of the construction site inspector is to ensure that site operations match the approved site plans and the Stormwater Pollution Prevention Plan (SWPPP) for the project, and that all precautions are taken to prevent pollutants and sediment from the construction site from impacting local waterways. The inspector is also expected to determine the adequacy of construction site stormwater quality control measures.

The attached Construction Site Stormwater Inspection Report shall be used by the inspector during site visits. Construction site inspectors should abide by the following guidelines:

1. Inspections to monitor stormwater compliance should be performed at least once per month at each active construction site, with priority placed on sites that require coverage under the USEPA 2012 CGP (i.e., that disturb one or more acres), and sites that are located in the watershed of any 303(d) water bodies.
2. The inspection shall begin at a low point and work uphill, observing all discharge points and any off-site support activities.
3. Written and photographic records shall be maintained for each site visit.
4. During the inspection, the inspector should ask questions of the contractor. Understanding the selection, implementation, and maintenance of BMPs is an important goal of the inspection process, and requires site-specific input.
5. The inspector should not recommend or endorse solutions or products. The inspector may offer appropriate advice, but all decisions must be made by the contractor.
6. The inspector shall always wear personal protective equipment appropriate for the site.
7. The inspector shall abide by the contractor's site-specific safety requirements.
8. The inspector has legal authority to enter the site. However, if denied permission to enter the site, the inspector should never force entry.

Prior to planning a site visit, an inspector shall determine if the project is subject to USEPA's 2012 Construction General Permit. If the site requires this coverage, the inspector shall visit the USEPA Region 1 eNOI website (<http://cfpub.epa.gov/npdes/stormwater/cgpenoi.cfm> or <http://cfpub.epa.gov/npdes/stormwater/ noi/noisearch.cfm>) to determine if the contractor filed for coverage under the 2012 and/or 2008 Construction General Permits, respectively. Print a copy of the project's NOI.

Note for municipal inspectors: If a project disturbs one or more acres and is under construction, but does not show up in either database, the project is in violation of the 2012 CGP. Call the contractor to determine if the NOI process has been started. If not, notify the contractor verbally of this requirement and the violation. Work cannot proceed on the site until a Notice of Intent (NOI) for coverage under the 2012 Construction General Permit has been approved by USEPA. The inspector may choose to print instructions on how to file an NOI and meet with the contractor to review these. The contractor proceeds with work at the site without seeking coverage under the 2012 CGP, contact USEPA's Region 1 Stormwater & MS4 Program Coordinator, Thelma Murphy, at murphy.thelma@epa.gov or 617-918-1615.

Once it has been determined that the site is in compliance with the 2012 Construction General Permit, the site inspection process can continue. The Construction Site Inspection process shall include the following:

1. Plan the inspection before visiting the construction site

- a. Obtain and review permits, site plans, previous inspection reports, and any other applicable information.
- b. Print the approved NOI from the USEPA 2012 Construction General Permit NOI website, listed previously.
- c. Inform the contractor of the planned site visit.
2. Meet with the contractor
 - a. Review the Construction SWPPP (if the site includes over one acre of disturbance) or other document, as required by the municipality's legal authority. Compare BMPs in the approved site plans with those shown in the SWPPP.
 - b. Review the project's approved NOI and confirm that information shown continues to be accurate.
 - c. Get a general overview of the project from the contractor.
 - d. Review inspections done by the contractor.
 - e. Review the status of any issues or corrective actions noted in previous inspection reports.
 - f. Discuss any complaints or incidents since the last meeting.
3. Inspect perimeter controls
 - a. Examine perimeter controls to determine if they are adequate, properly installed, and properly maintained.
 - b. For each structural BMP, check structural integrity to determine if any portion of the BMP needs to be replaced or requires maintenance.
4. Inspect slopes and temporary stockpiles
 - a. Determine if sediment and erosion controls are effective.
 - b. Look for slumps, rills, and tracking of stockpiled materials around the site.
5. Compare BMPs in the site plan with the construction site conditions
 - a. Determine whether BMPs are in place as specified in the site plan, and if the BMPs have been adequately installed and maintained.
 - b. Note any areas where additional BMPs may be needed which are not specified in the site plans.
6. Inspect site entrances/exits
 - a. Determine if there has been excessive tracking of sediment from the site.
 - b. Look for evidence of additional entrances/exits which are not on the site plan and are not properly stabilized.
7. Inspect sediment basins
 - a. Look for signs that sediment has accumulated beyond 50% of the original capacity of the basin.
8. Inspect pollution prevention and good housekeeping practices
 - a. Inspect trash areas and material storage/staging areas to ensure that materials are properly maintained and that pollutant sources are not exposed to rainfall or runoff.
 - b. Inspect vehicle/equipment fueling and maintenance areas for the presence of spill control measures and for evidence of leaks or spills.
9. Inspect discharge points and downstream, off-site areas

- a. Walk down the street and/or in other directions off-site to determine if erosion and sedimentation control measures are effective in preventing off-site impacts.
 - b. Inspect down-slope catch basins to determine if they are protected, and identify whether sediment buildup has occurred.
10. Meet with the contractor again prior to leaving
- a. Discuss the effectiveness of current controls and whether modifications are needed.
 - b. Discuss possible violations or concerns noted during the site inspection, including discrepancies between approved site plans, the SWPPP, and/or the implementation of stormwater controls.
 - c. Agree on a schedule for addressing all discrepancies, and schedule a follow-up inspection.
11. Provide a written copy of the inspection report to the contractor.
12. Follow up, as determined, and provide copy of subsequent inspection to the contractor.
13. Utilize the resources of USEPA Region 1 to enforce the contractor's compliance with the 2012 Construction General Permit and/or other document, as required by the municipality's legal authority, can be achieved.

Attachments

1. Construction Site Stormwater Inspection Report

Related Standard Operating Procedures

1. SOP 9, Inspecting Constructed Best Management Practices

(continued)

	BMP Description	Installed and Operating Properly?	Corrective Action Needed
3		Yes <input type="checkbox"/> No <input type="checkbox"/>	
4		Yes <input type="checkbox"/> No <input type="checkbox"/>	
5		Yes <input type="checkbox"/> No <input type="checkbox"/>	
6		Yes <input type="checkbox"/> No <input type="checkbox"/>	
7		Yes <input type="checkbox"/> No <input type="checkbox"/>	
8		Yes <input type="checkbox"/> No <input type="checkbox"/>	
9		Yes <input type="checkbox"/> No <input type="checkbox"/>	
10		Yes <input type="checkbox"/> No <input type="checkbox"/>	
11		Yes <input type="checkbox"/> No <input type="checkbox"/>	
12		Yes <input type="checkbox"/> No <input type="checkbox"/>	
13		Yes <input type="checkbox"/> No <input type="checkbox"/>	
14		Yes <input type="checkbox"/> No <input type="checkbox"/>	
15		Yes <input type="checkbox"/> No <input type="checkbox"/>	
16		Yes <input type="checkbox"/> No <input type="checkbox"/>	
17		Yes <input type="checkbox"/> No <input type="checkbox"/>	
18		Yes <input type="checkbox"/> No <input type="checkbox"/>	
19		Yes <input type="checkbox"/> No <input type="checkbox"/>	
20		Yes <input type="checkbox"/> No <input type="checkbox"/>	



Erosion and Sedimentation Control

Document any of the following issues found on the construction site, and the corrective action(s) required for each.

Issue	Status	Corrective Action Needed
Have all ESC features been constructed before initiating other construction activities?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is the contractor inspecting and maintaining ESC devices regularly?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is existing vegetation maintained on the site as long as possible?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is construction staged so as to minimize exposed soil and disturbed areas?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are disturbed areas restored as soon as possible after work is completed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is clean water being diverted away from the construction site?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are sediment traps and sediment barriers cleaned regularly?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are vegetated and wooded buffers protected and left undisturbed?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are soils stabilized by mulching and/or seeding when they are exposed for a long time?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Has vegetation been allowed to establish itself before flows are introduced to channels?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is regular, light watering used for dust control?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is excessive soil compaction with heavy machinery avoided, to the extent possible?	Yes <input type="checkbox"/> No <input type="checkbox"/>	



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Issue	Status	Corrective Action Needed
Are erosion control blankets used when seeding slopes?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are trees and vegetation that are to be retained during construction adequately protected?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are areas designated as off-limits to construction equipment flagged or easily distinguishable?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
If excavated topsoil has been salvaged and stockpiled for later use on the project, are stockpiles adequately protected?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are temporary slope drains or chutes used to transport water down steep slopes?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Do all entrances to the storm sewer system have adequate protection?	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Overall Site Conditions

Document any of the following issues found on the construction site, and the corrective action(s) required for each.

Issue	Status	Corrective Action Needed
Are slopes and disturbed areas not being actively worked properly stabilized?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are material stockpiles covered or protected when not in use?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are natural resource areas protected with sediment barriers or other BMPs?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are perimeter controls and sediment barriers installed and maintained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	



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Issue	Status	Corrective Action Needed
Are discharge points and receiving waters free of sediment deposits and turbidity?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are storm drain inlets properly protected?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is there evidence of sediment being tracked into streets?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is trash/litter from the construction site collected and placed in dumpsters?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are vehicle/equipment fueling and maintenance areas free of spills and leaks?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are potential stormwater contaminants protected inside or under cover?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is dewatering from site properly controlled?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are portable restroom facilities properly sited and maintained?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are all hazardous materials and wastes stored in accordance with local regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>	

Non-Compliance Actions

The municipality shall provide the site operator with a copy of this report, and notice of the corrective action(s) to be taken. The site operator shall have thirty days from the receipt of the notice to commence curative action of the violation.

