

# Construction Site Stormwater Compliance Workshop for Owners and Operators



RI Department of Environmental Management  
Office of Technical and Customer Assistance

2011



Construction Site Stormwater Compliance Program

# Sponsors

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- RI Department of Environmental Management (DEM)
- University of Rhode Island (URI)
- RI Department of Transportation (DOT)
- US Environmental Protection Agency (EPA)
- RI Coastal Resources Management Council (CRMC)





Construction Site Stormwater Compliance Program

## What is the Construction Site Stormwater Compliance Certification Program?

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**This program will allow Owners and Operators to self-certify to the Department of Environmental Management (DEM) that they are in compliance with the requirements of the RIPDES Construction General Permit (CGP).**

- The program is strictly voluntary at this time, but it is beneficial to enroll now, as it will become mandatory when the RIPDES CGP is reissued.
- Applies to construction activities that: *disturb one (1) or more acres of land, and where stormwater runoff is directed, via a point source, into a separate storm sewer system, or into waters of the state*



Construction Site Stormwater Compliance Program

# Why is this program needed?

- This program is an adaptation of a program started in Massachusetts, called the Environmental Results Program (ERP). This type of program is believed to be an efficient way of improving compliance, and preventing environmental violations.
- The program will reduce the need for inspections, as well as the costs to both business and government.
- It will also assist you in understanding requirements, documenting your compliance, and returning non-compliant sites to compliance.





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# Environmental Results Program

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- What is ERP?
  - Compliance assistance
  - Self-assessment and self-certification/Return to Compliance (RTC)
  - Agency Inspections
  - Statistically based performance measurement (EBPI) to gauge results and track performance changes
  - Enforcement



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# How Does an ERP Work?

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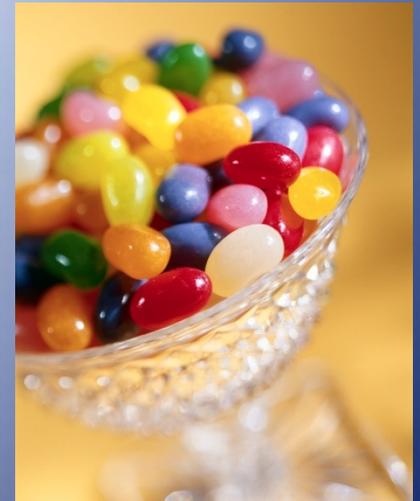
- I. Inspections will be performed to collect baseline data concerning compliance
- II. Workbooks containing checklists will be distributed to site owners and operators, and time will be provided to complete and submit checklists
- III. Inspections will be performed again to gather post-intervention data
- IV. A statistical comparison of the two data sets will be made to determine if, and to what extent, the self-certification program improved compliance.



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# What are the benefits of an ERP?

- Site owners and operators will be better prepared for a random or targeted regulatory compliance inspection, thereby reducing the likelihood of being subject to a formal enforcement action resulting from environmental violations.
- Owners and operators will know exactly how their compliance will be measured when inspected by state and federal environmental agencies. This is because the Construction Site Stormwater Compliance Workbook has been designed to contain the exact same questions that regulators will use when they inspect a construction project.
- Owners and operators will be able to readily determine when compliance issues exist at their construction site, and so have the opportunity to take corrective action before environmental impacts and/or violations occur.
- Owners and operators will receive free compliance assistance by contacting the RIDEM Office of Technical and Customer Assistance.





## Construction Site Stormwater Compliance Program

# Other Successful ERPs: Compliance Resulting From the Auto Body ERP

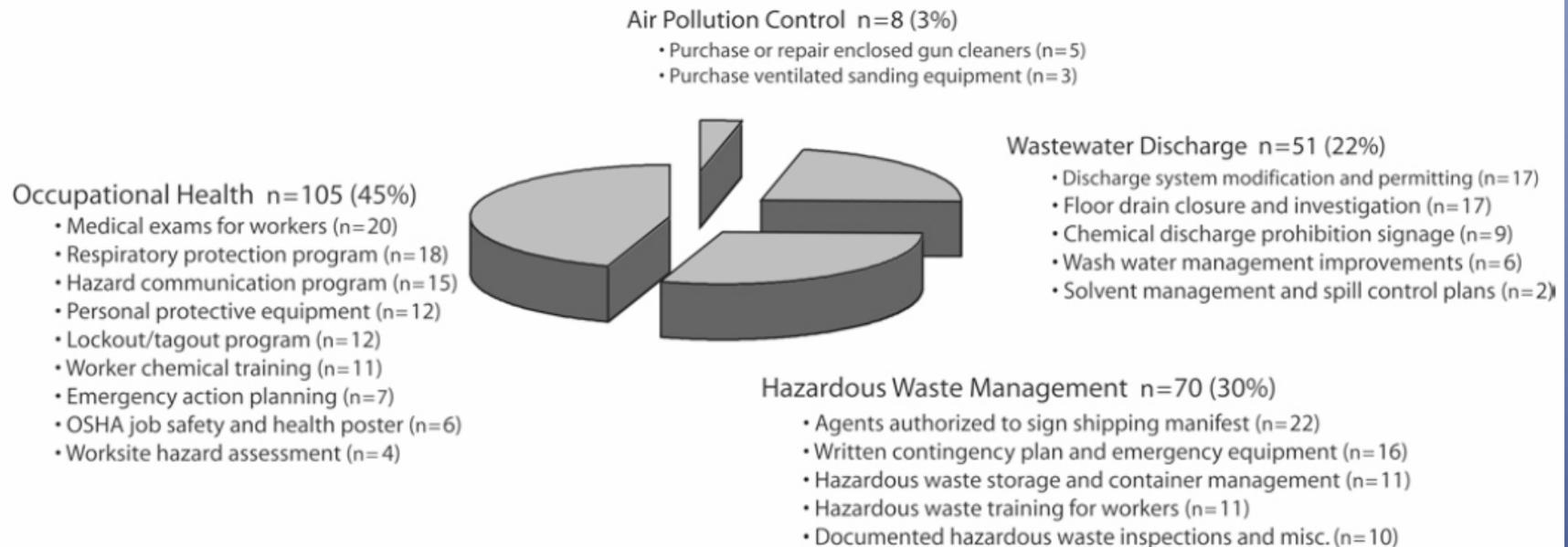


FIGURE 1—Number of corrective action plans received from 69 certified shops, organized by major category.

**It is clear from the above figure that ERPs have great potential to improve compliance. In the auto body program alone, over 230 corrective action plans were created as a result of self-certification.**



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## **Applying to Construction Site Runoff Control**

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- EPA SIG awarded in October 2007 – Work with URI Center for Pollution Prevention
- 3 year project
- Identifying inventory – All construction projects  $\geq 1$  acre
- Determining number of baseline inspections needed
- Developing check list
- Conducting baseline inspections



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## **Sample EBPI Compliance – Baseline Results**

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- 33% Have their SWPPPs on site
- 33% Conduct inspections after significant rain events
- 67% Made provisions for wind erosion
- 35% Properly maintain BMPs
- 39% Have gravel access drives
- 79% Perform good housekeeping



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# What does the program cover?

The program assists in maintaining compliance with:

- The RIPDES Construction General Permit (CGP)
- In some cases, specific RIDEM Freshwater Wetlands Permit requirements
- There may be other state, federal or local requirements or permits that apply to your project site (building codes, local soil and erosion control requirements, fire codes, etc.) *that may not be covered by this program.*
- All construction sites must comply with these requirements *whether or not they self-certify.*
- **Participation in the program does not guarantee that a site will not be subject to a compliance inspection by state and federal environmental agencies. Inspections can result in enforcement actions that may delay the completion of your project or result in restoration orders.**

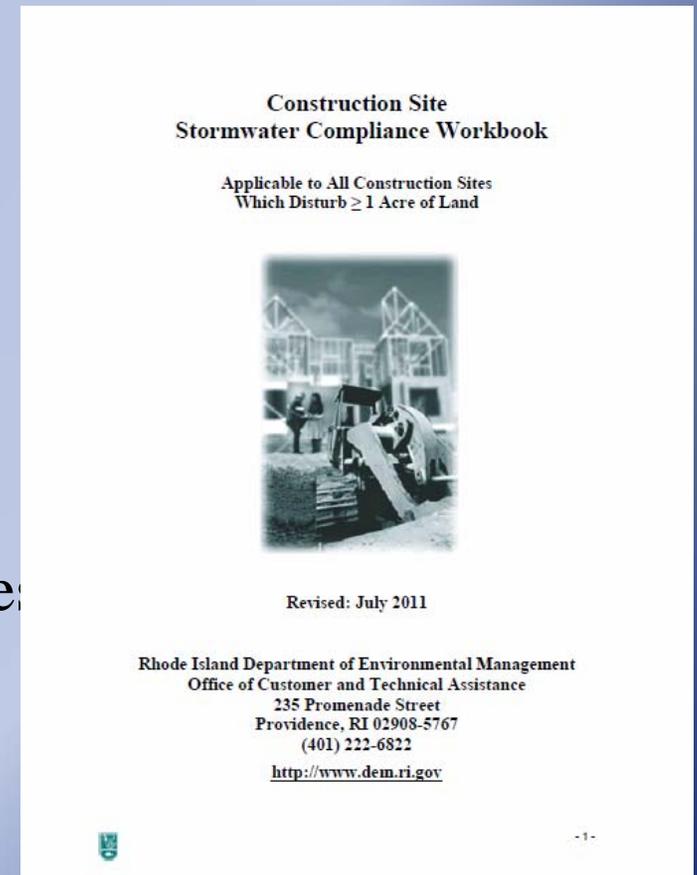
**This program will better prepare you for these inspections.**



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# Components of the Program

- **Workbook**—The workbook explains how the program works, including step-by-step instructions on how and when to fill out the checklists.
- **Self-Certification Checklists**—Three (3) checklists are included with the workbook. These checklists are to be filled out and submitted to DEM at three (3) different phases of the construction process:
  - Start of construction
  - Active construction
  - Completion of construction





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# Self-Certification Checklists

- The checklists are identical to those used by regulators during a compliance inspection.
- The checklists allow site owners and operators to understand, and comply with, all of the CGP requirements.
- Checklists should be filled out by a competent individual who understands the terms and conditions of the CGP, the site-specific Storm Water Pollution Prevention Plan (SWPPP), and the environmental responsibilities of construction site owners and operators.



**The checklists cannot, however, be used as a replacement for required SWPPP inspections. *These inspections must still be performed at least once every seven (7) days, and within twenty-four (24) hours after significant rain events (>0.25 inches/day).***



## What are the requirements of this program?

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1. Read your CGP to understand the terms and conditions, and to identify all your environmental responsibilities.
2. Read through each checklist to determine which questions apply to your site. You may not need to answer all of the questions, and the checklist will direct you to skip them when appropriate.
3. At each specified stage of construction, walk through the site with the checklist, and identify all the questions where you are already in compliance, and those for which you are not in compliance.
4. If you are not in compliance with any condition of your permit, you must check “No” next to that compliance question. Indicate on your checklist how and when each non-compliant condition was resolved.



## What are the requirements of this program?

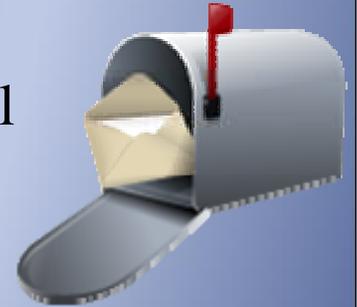
5. Once the checklists have been completed, the provided certification statements must be signed. These statements certify that the person signing the form:
- Has reviewed it
  - Believes the information being submitted is true
  - Will make sure that protocols are in place that will keep the project in compliance with permit requirements, and
  - Understands that there may be serious consequences for knowingly submitting false information to DEM





# What is on these submittals?

- **Submittal #1:** Contains questions which will ensure that all appropriate controls and administrative procedures are in place prior to beginning site disturbance activities
- **Submittal #2:** These questions will help to keep your project and site in compliance with the CGP requirements after construction has begun
- **Submittal #3:** These questions will determine whether all appropriate measures have been taken to ensure that your project is completed properly



*\*Keep copies of these checklists and any corrective actions to help demonstrate your compliance with applicable state and federal regulations.*



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# Checklist Components

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- Each checklist consists of three (3) separate sections:



- 1. Project Information:** Requests basic information about the construction site, including the personnel and specific entities responsible for compliance.



- 2. Compliance Questions:** A list of yes-or-no questions that provide DEM with some background information about your site, and whether or not you are following environmental protection standards and requirements that apply to your project.



- 3. Certification Statements:** Statements that must be signed by the site inspector, the property owner, and the site operator. These statements pledge that you have the required protocols in place, and that you will maintain them to keep your site in compliance with environmental protection standards at all times.



# DEM Submittal #1

- This submittal is the “Start of Construction Storm Water–Self-Certification Checklist”
- The checklist must be completed within **seven (7)** days prior to commencing site disturbance activities, and after protective measures have been installed
- The checklist should be submitted to DEM within **seven (7)** days after commencement of site disturbing activities

DEM PERMIT NO.: \_\_\_\_\_ DEM SUBMITTAL NO. 1 \_\_\_\_\_

## Start of Construction Stormwater – Self-Certification Checklist

Note: This checklist must be completed within seven (7) days prior to commencing  $\geq 1$  acre site disturbance activities and after protective measures have been installed. This checklist should be submitted to the DEM within seven (7) days after the commencement of site disturbance activities.

Project Information			
Site Name			
Location			
DEM Permit No(s)/Type			
Site Owner		Phone	Email
Site Operator		Phone	Email
Inspection Information			
Inspector Name		Phone	Email
Inspection Date		Start/End Time	
Date Site Disturbance Activities Will Commence			

### Section A: DEM Permit General Conditions

Permit Requirement		If "No", corrective action is required. Please indicate what corrective actions were taken to rectify the condition and the date the condition was satisfied.
A1 Did you notify the DEM prior to the commencement of site alterations? (only applies to Wetlands)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
A2 Are copies of the permit and the stamped approved plans kept on-site and available for review by DEM?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
A3 Did you record the permit/letter of authorization in the land evidence records of the City or Town of your project within 10 days of the receipt of the permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
A4 Did you erect or post a sign with the permit number resistant to the weather and at least twelve (12) inches wide and eighteen (18) inches long, which boldly identifies the initials "DEM"? (only applies to Wetlands)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	



# DEM Submittal #1

- **Section A: (Pg. 1-2)**

***DEM Permit General Conditions***

–Determines whether the site owner and operator have fulfilled all permit requirements, and whether appropriate recordkeeping and inspections are planned.

Date Site Disturbance Activities Will Commence		
Section A: DEM Permit General Conditions		
Permit Requirement		If "No", corrective action is required. Please indicate what corrective actions were taken to rectify the condition and the date the condition was satisfied.
A1 Did you notify the DEM prior to the commencement of site alterations?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	

- **Section B: (Pg. 3)**

***Erosion and Sediment Control Conditions***

–Determines whether all sediment and erosion controls have been established before commencing construction.

DEM PERMIT NO.:	DEM SUBMITTAL NO. 1	
Section B: Erosion and Sediment Control Conditions		
Permit Requirement		If "No", corrective action is required. Please indicate what corrective actions were taken to rectify the condition and the date the condition was satisfied.
B1 Have you installed erosion controls to cover all potential erosion hazards on	<input type="checkbox"/> Yes <input type="checkbox"/> No	

- **Section C: (Pg. 3-4)**

***Other Controls Checklist***

–Covers all controls not discussed in sections A and B.

Section C: Other Controls Checklist		
Permit Requirement		If "No", corrective action is required. Please indicate what corrective actions were taken to rectify the condition and the date the condition was satisfied.
C1 Does the construction site have graveled access entrance and exit drives as well as parking areas that comply with requirements outlined in	<input type="checkbox"/> Yes <input type="checkbox"/> No	



# DEM Submittal #2

- This submittal is the “Active Construction Storm Water– Self-Certification Checklist”
- This checklist must be completed **thirty (30)** days after initiating site disturbance activities
- The checklist must be submitted to DEM no later than **forty-five (45)** days after initiating site disturbance activities

DEM PERMIT NO.:

DEM SUBMITTAL NO. 2

## Active Construction Stormwater – Self-Certification Checklist

Note: This checklist should be completed thirty (30) days after initiating site disturbance activities  $\geq$  1 acre. A copy of this completed checklist should be submitted to the DEM no later than forty-five (45) days after initiating site disturbance activities.

Project Information			
Site Name			
Location			
DEM Permit No(s)/Type			
Date Site Disturbance Commenced			
Site Owner		Phone	Email
Site Operator		Phone	Email
Inspection Information			
Inspector Name		Phone	Email
Inspection Date		Start/End Time	

### Section A: DEM Permit General Conditions

	Permit Requirement		If corrective action is required. Please indicate what corrective actions were taken to rectify the condition and the date the condition was satisfied.
A1a	Does your project include the placement of any fill or material from off-site locations? If "No", move on to Question A2.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
A1b	Did you inspect the material to ensure that it is clean and free of any matter that could pollute any freshwater wetland?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
A1c	Have temporary erosion and sediment controls been placed around all areas where fill has been placed?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
A2	Do you have a copy of the Storm Water Pollution Prevention Plan (SWPPP) on site at all times?	<input type="checkbox"/> Yes <input type="checkbox"/> No	



# DEM Submittal #2

- **Section A: (Pg. 1-2)**

***DEM Permit General Conditions***

–Determines that permit conditions are being met during active construction.

**Section A: DEM Permit General Conditions**

	Permit Requirement		If corrective action is what corrective action condition and the date
A1a	Does your project include the placement of any fill or material from off-site locations? If "No", move on	<input type="checkbox"/> Yes <input type="checkbox"/> No	

- **Section B: (Pg. 2-3)**

***Erosion and Sediment Control Conditions***

–Determines whether erosion and sediment controls are in place throughout active construction.

**Section B: Erosion and Sediment Control Conditions**

	Permit Requirement		If "No", corrective action is indicate what corrective act rectify the condition and the was satisfied.
B1	Have erosion controls been correctly installed to cover all potential erosion hazards on site?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

- **Section C: (Pg. 3-4)**

***Other Controls Checklist***

–Determines whether all other controls not covered in sections A and B are in place throughout construction.

**Section C: Other Controls Checklist**

	Permit Requirement		If "No", corrective action is indicate what corrective act rectify the condition and the was satisfied.
C1	Does the site have graveled access entrance and exit drives as well as parking areas that comply with requirements in the RI Soil Erosion &	<input type="checkbox"/> Yes <input type="checkbox"/> No	



# DEM Submittal #3

- This submittal is the “Completion of Construction Storm Water–Self-Certification Checklist”
- This checklist must be completed within **thirty (30)** days after final completion of all land disturbing activities
- A copy of the checklist must be submitted to DEM no later than **forty-five (45)** days after completion of land disturbing activities

DEM PERMIT NO.:

DEM SUBMITTAL NO. 3

## Completion of Construction Stormwater – Self-Certification Checklist

**Note:** This checklist should be completed within thirty (30) days after final completion of all land disturbing activities. Prior to completing this checklist the following conditions must be satisfied: All disturbed soils at the construction site must be fully stabilized, temporary erosion and sediment control measures have been removed, and all storm water discharges associated with construction activity have been eliminated. A copy of this completed checklist should be submitted to the DEM no later than (forty-five) 45 days after completion of land disturbing activities.

**\*\*THIS CHECKLIST ALSO SERVES AS THE RIPDES Construction General Permit NOTICE OF TERMINATION.**

Project Information			
Site Name			
Location			
DEM Permit No./Type			
Site Owner	Phone	Email	
Site Operator	Phone	Email	
Inspection Information			
Inspector Name	Phone	Email	
Inspection Date	Start/End Time		
Date land disturbing activities ceased:			
Date final site stabilization was achieved:			

### Section A: DEM Permit General Conditions

	Permit Requirement		If corrective action is required. Please indicate what corrective actions were taken to rectify the condition and the date the condition was satisfied.
A1	Are Freshwater Wetlands Permit Conditions applicable to my project? If No, move on to Section B	<input type="checkbox"/> Yes <input type="checkbox"/> No	
A2	Does your project include flood loss compensation? If No, skip to question A3.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
A2a	Was excavation to compensate for loss in flood storage as provided on the approved site plans completed prior to any filling or construction alterations within flood plain or areas subject to flooding?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	



# DEM Submittal #3

- **Section A: (Pg. 1-2)**

***DEM Permit General Conditions***

–Ensures that all permit conditions have been satisfied after project completion.

**Section A: DEM Permit General Conditions**

	Permit Requirement		If corrective action is what corrective action the condition and the satisfied.
A1	Are Freshwater Wetlands Permit Conditions applicable to my project?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

- **Section B: (Pg. 3-5)**

***Post Construction Storm Water Management***

–Determines whether more permanent controls are in place, and whether all site disturbances have been properly attended to.

**Section B: Post Construction Storm Water Management**

	Permit Requirement		If "No", corrective action is what corrective actions were condition and the date the c
B1	Have you removed all temporary erosion controls?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

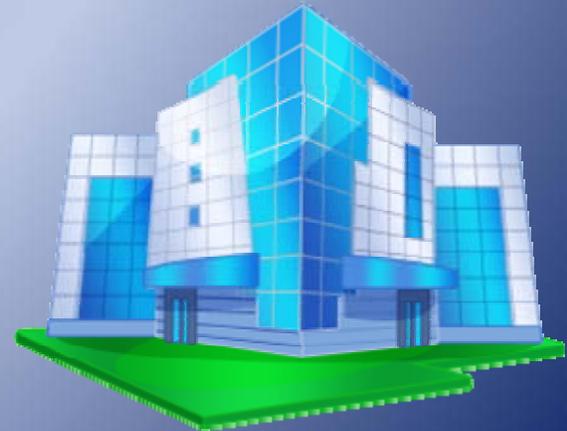


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## What must be accomplished before DEM submittal #3 is completed?

- All disturbed soils at the construction site must be fully stabilized
- Temporary erosion and sediment control measures must be removed
- All storm water discharges associated with construction activity must be eliminated

***Submittal #3 also serves as the RIPDES  
Construction General Permit Notice of  
Termination***





Construction Site Stormwater Compliance Program

# DEM Submittals

- Once each checklist has been completed, reviewed and signed, it must be submitted to DEM within the specified time period.
- All submittals should be mailed to:

**RI Department of Environmental Management  
Office of Technical and Customer Assistance  
Construction Stormwater Self-Certification Program  
235 Promenade Street  
Providence, RI 02908-5767**

- This address can also be found on page five (5) of the workbook.



Construction Site Stormwater Compliance Program

## **Who should I contact if I Have Questions About the Program Later, or Require Technical Assistance?**

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- **RIDEM–Office of Technical and Customer Assistance**  
**(401) 222-6822**

**For questions concerning the CGP, including your environmental responsibilities:**

- **RIDEM–Office of Water Resources RIPDES Permitting Program**  
**(401) 222-4700**



## Construction Site Stormwater Compliance Program

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