# BMP 4.03 CONSTRUCTION SITE INSPECTION AND ENFORCEMENT

FEBRUARY 2022

## Purpose

Under BMP 4.03 of the University of Nebraska-Lincoln NPDES SMS4 Storm Water Permit, EHS is required to:

1. Conduct random audits at least twice a year at construction sites that result in a total land disturbance of 1 acre or greater in size, or that are less than one acre if part of a larger common plan of development. Such audits shall occur throughout the duration of the construction project until such time as a Notice of Termination (NOT) has been filed with NDWEE, and final stabilization has been achieved.

   EHS shall also conduct an inspection in response to potential or known illicit discharges or conditions that may result in an illicit discharge, and as needed to verify correction of deficiencies identified in previous audits. The protocol for conducting an IDDE audit or investigation is described in the EHS IOPs, **BMP 3.03: IDDE Dry Weather Field Screening; BMP 3.04: Illicit Discharge Investigations and Response' BMP 3.07: Public Reporting**

2. Maintain records of inspection, follow-ups, and enforcement actions

The purpose of this IOP is to describe EHS' standard storm water compliance audit protocols for construction sites subject to regular inspections.

## Qualified Inspector

Only qualified EHS staff are authorized to conduct formal inspections of construction sites, although any person is encouraged to report concerns associated with construction site conditions that may adversely impact receiving waters. At a minimum, "qualified" EHS staff will have a bachelor's degree, one-year related experience, and successfully completed a NDOR Erosion and Sediment Control Inspector course or equivalent.

## Site Audit Procedure

### 1. Audit Frequency

Qualified EHS staff will conduct inspections of applicable construction sites at least 2 (two) times in every twelve-month period until the site has reached final stabilization. EHS shall strive to complete an initial audit within 2-6 weeks after earth disturbing activities have commenced with the goal of ensuring that the contractor receives early feedback so they can make necessary corrections moving forward. EHS shall strive to complete subsequent audits at critical points in the construction process, e.g., during or immediately following significant or sustained wet-weather, at stages during the construction process when significant amounts of earth are disturbed, at times when stabilization measures are initiated, etc.

EHS may conduct conditional audits upon receiving a report of concern and as needed to verify correction of deficiencies identified during a previous inspection. Conditional audits will only focus on reported concerns and previously identified physical site deficiencies. Conditional audits will not substitute for routine site audits or IDDE inspection audits.

### 2. Site Audit Preparation

Prior to the on-site inspection, the EHS inspector shall review the site-specific Storm Water Pollution Plan (SWPPP) and associated documents (e.g., site maps or Erosion and Sediment Control Plans (ESCP), inspection form templates, etc.), and any previous EHS inspection records for the site. The inspector shall make note of previous inspection findings so that it can be field verified during the on-site inspection that previously cited deficiencies have been corrected.

### 3. Site Audit Content

The audit will evaluate administrative issues, such as postings and record keeping, as well as physical site conditions. The site-specific SWPPP, ESCP, and terms of NDWEE's Construction Storm Water General Permit will form the basis for evaluating site compliance.

a. Record keeping
    i. SWPPP sign is posted near the site entrance and contains the: (a) Copy of the completed CSW-NOI as submitted to NDWEE; and (b) A copy of the SWPPP, or name and telephone number of the contact person for obtaining access to the SWPPP.

ii. A copy of the SWPPP, a copy of the Game and Parks CERT if applicable, and the approval letter from NDWEE must be retained at the construction site or other location easily accessible during normal business hours.

iii. SWPPP and site map are available upon request, and both have been continually updated to reflect changing site conditions and/or changes to content. A current and accurate record is available of dates of the following: BMP installation/removal, major grading activities, when construction activities temporarily or permanently cease on a portion of the site, and initiation of temporary and permanent stabilization measures.

iv. Contractor-initiated inspection records are available, records are complete, and inspections have been conducted at the required frequency.

v. Accurate and complete spill report records and follow-up reports are on file, as applicable.

vi. Record keeping deficiencies noted during previous audits have been corrected.

b. Physical site conditions

i. Site entrances and exits are restricted to those designated on the site map and have been installed and maintained in a manner that minimizes track-out onto hard surfaced roads. Sweeping/cleaning is conducted at a frequency sufficient to prevent sediment accumulation on adjacent hard surfaces.

ii. Activities are restricted to boundaries of permitted site

iii. As applicable, up-gradient controls are in place to divert run-on of precipitation to the construction site.

iv. Earth disturbing activities over the whole site are staged to the extent reasonable to avoid unnecessary exposure to erosion.

v. Dust control measures are in place and effective.

vi. Erosion control measures are in place, effective, well-maintained, and consistent with those described in the site-specific SWPPP and ESCP (e.g., mulching, slope tracking, vegetative cover, matting, temporary slope drains, benching, berms and diversions, etc.)

vii. Sediment control measures are in place, effective, well-maintained, and consistent with those described in the SWPPP and ESCP (e.g., sediment traps/basins, silt fence, slash mulch, wattles, checks, etc.).

viii. Soil stockpiles are properly placed and protected and managed in a manner consistent with that described in the site-specific SWPPP and ESCP.

ix. Good housekeeping BMPs are in place, effective, well-maintained, and are consistent with that described in the site-specific SWPPP. As applicable, pollution prevention practices are in place, effective, well-maintained, and consistent with those described in the site-specific SWPPP with respect to oil and hazardous substance storage and use, concrete wash-out, solid waste management, portable toilets.

x. Inlets and outfalls down-gradient from the construction site are visually inspected and found to have no visible indicators of sediment or pollutant releases from the site.

xi. Physical site condition deficiencies noted during previous audits have been corrected

**4. Conducting a Site Audit**

The FPC Project Manager and Project Building Inspector will be informed of the upcoming audit and invited to accompany EHS to the site. The Contractor may be given minimal notice in order to make sure a representative is on site to accompany the audit if they choose.

The EHS inspector shall conduct a complete audit, as described in 2 (Audit Content) above. While performing the audit, the EHS inspector will discuss observations and concerns with all persons present at the audit representing the contractor and owner. The EHS inspector will make field notes of observations, and when possible, take photographs of site conditions that are of concern.

At the conclusion of the audit, the EHS inspector will communicate a summary of their observations to all persons participating in the audit and explain that observations will be discussed with the EHS Director (or designee) prior to issuance of a final audit report. The EHS inspector shall encourage the contractor/contractor representative to take prompt action to correct all undisputed deficiencies in advance of receiving the formal, written audit report. The EHS Director (or designee) shall be promptly notified of all disputed deficiencies.

In an event where meeting onsite as a group is discouraged (such as during the COVID-19 pandemic) EHS will coordinate an onsite visit alone and report findings in a meeting through virtual conferencing. EHS will alert the University of Nebraska-Lincoln Project Manager and Contractor Site Superintendent of the audit and prior to arriving onsite. EHS will request that the audited record keeping material (i.e., SWPPP map, contractor led stormwater inspections, etc.) be presented preferably through digital means prior to the site visit for EHS review.

EHS will then complete the onsite audit alone and schedule a meeting, inviting no less than the Contractor, the University of Nebraska-Lincoln Project Manager, and Project Building Inspector. Physical site deficiencies should be communicated to the contractor on the same day they are discovered. The audit report should be sent out after EHS Director Approval and within 48 hours of conducting the onsite visit.

**5. Audit Documentation**

The EHS Inspector shall draft an audit report and submit it to the EHS Director (or designee) for review as soon as possible but no later than 48 hours following the conclusion of the audit. Following approval by the Director (or designee), the report shall be transmitted to the Contractor.

The audit report shall clearly and concisely describe each deficiency and include any supporting photos or other documentation. It shall also contain clearly defined deadlines for implementing corrective actions. The report shall also contain instruction advising the Contractor that they must provide a formal written response describing corrective actions taken and date(s) implemented. When appropriate, the audit report shall also contain relevant educational and outreach information to assist the Contractor in achieving compliance.

The means of transmittal for the inspection report shall be through electronic written communication and require the Contractor's response. The Contractor shall submit formal written responses to all corrective action items that require follow-up through electronic written communication of their choosing (email, cell phone text, the University of Nebraska-Lincoln Procore system, etc.).

**6. Audit Follow-up**

The EHS Inspector shall track deadlines established for implementing all corrective action items and monitor electronic communication to ensure that the Contractor provides a response by the stated deadline. The inspector shall also review the Contractor's response to ensure that corrective actions described are appropriate to correct the cited deficiency.

If the Contractor has not responded by the stated deadline(s), the EHS Inspector shall notify the University of Nebraska-Lincoln Project Manager and request their assistance in obtaining an expedited response. If a response is still not received, the EHS Inspector shall conduct a conditional audit to assess the status of the cited deficiency and any potential off-site impacts that may have occurred due to the deficiency.

- If the deficiency has been remedied and there are no indications of off-site impacts, the EHS Inspector shall document current site conditions and issue notice to the Contractor of the follow-up findings through email (essentially closing out the audit).

- If the deficiency has been remedied but there are indications of off-site impacts, the EHS Inspector shall take action to close-out the initial audit report via correspondence with the Contractor through email but issue a separate IDDE inspection report for the off-site impact. The IDDE report shall clearly and concisely describe the finding, recommended corrective actions, and newly established dates for achieving compliance.

- If the current site conditions are still deficient, the EHS Inspector shall promptly discuss the situation with the EHS Director (or designee), then promptly notify the Contractor and the University of Nebraska-Lincoln Project Manager that the condition must be remedied immediately or provisions of the University of Nebraska-Lincoln Enforcement Response Plan will be initiated.

## Construction Site Inspection Checklist

(This is a field note checklist intended as a guide, and not as an auditable record)

**Record Keeping**

**Yes No N/A**

SWPPP information is posted near the site entrance and contains:

☐ ☐ ☐ (a) A copy of the Notice of Intent (CSW-NOI) as submitted to NDWEE

☐ ☐ ☐ (b) SWPPP, or the name and phone number of the contact person for obtaining access to the SWPPP.

☐ ☐ ☐ SWPPP, Game and Parks CERT, and the NDWEE approval letter and site map is available upon request, and all have been continually updated to reflect changing site conditions and/or changes to content.

A current and accurate record is available of dates of the following:

☐ ☐ ☐ BMP installation/removal

☐ ☐ ☐ Major grading activities

☐ ☐ ☐ When construction activities temporarily or permanently cease on a portion of the site

☐ ☐ ☐ Initiation of temporary and permanent stabilization measures.

☐ ☐ ☐ Contractor-initiated inspection records are available, records are complete, and inspections have been conducted at the required frequency.

☐ ☐ ☐ Accurate and complete spill report records and follow-up reports are on file, as applicable.

☐ ☐ ☐ Record keeping deficiencies noted during previous audits have been corrected.

**Physical Site Conditions**

**Yes No N/A**

☐ ☐ ☐ Site entrances and exits are restricted to those designated on the site map and have been installed and maintained in a manner that minimizes track-out onto hard surfaced roads.

☐ ☐ ☐ Sweeping/cleaning is conducted at a frequency sufficient to prevent sediment accumulation on adjacent hard surfaces.

☐ ☐ ☐ Activities are restricted to boundaries of permitted site.

☐ ☐ ☐ As applicable, up-gradient controls are in place to divert run-on of precipitation to the construction site.

☐ ☐ ☐ Earth disturbing activities over the whole site are staged to the extent reasonable to avoid unnecessary exposure to erosion.

☐ ☐ ☐ Dust control measures are in place and effective.

☐ ☐ ☐ Erosion control measures are in place, effective, well-maintained, and consistent with those described in the site-specific SWPPP and ESCP (e.g., mulching, slope tracking, vegetative cover, matting, temporary slope drains, benching, berms and diversions, etc.)

☐ ☐ ☐ Sediment control measures are in place, effective, well-maintained, and consistent with those described in the SWPPP and ESCP (e.g., sediment traps/basins, silt fence, slash mulch, wattles, checks, etc.).

☐ ☐ ☐ Soil stockpiles are properly placed and protected and managed in a manner consistent with that described in the site-specific SWPPP and ESCP.

☐ ☐ ☐ Good housekeeping BMPs are in place, effective, well-maintained, and are consistent with that described in the site-specific SWPPP.

☐ ☐ ☐ As applicable, pollution prevention practices are in place, effective, well-maintained, and consistent with those described in the site-specific SWPPP with respect to oil and hazardous substance storage and use, concrete wash-out, solid waste management, portable toilets,

☐ ☐ ☐ Inlets and outfalls down-gradient from the construction site are visually inspected and found to have no visible indicators of sediment or pollutant releases from the site.

☐ ☐ ☐ Physical site condition deficiencies noted during previous audits have been corrected