

Field Guide to Surviving a CDPHE Stormwater Audit



A free ebook from:

Down to Earth Compliance
and Summit Services Group

dtec



Summit
SERVICES GROUP



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The Target: Who is this book going to help?



- ➔ Owners, Developers, Construction Managers, General Contractors.
- ➔ Who have a Colorado Stormwater Discharge Permit.
- ➔ Who have been selected for a state inspection, or who want to prepare their site in case of possible future inspection by the State of Colorado.

Down To Earth Compliance and Summit Services Group are sister companies that both work in the stormwater compliance industry in Colorado. Welcome to your survival guide.

**Summit Services Group:
Stormwater Consultants**

Founded in 2008, Summit specializes in guiding our clients with cutting edge stormwater plans and inspections. Summit operates across Colorado and into adjoining states. Count on Summit to craft a SWMP that will minimize both risk and expense.

www.summitservicesgroup.com

**Down To Earth Compliance:
BMP Contractors**

Founded in 1995, DTEC offers BMP (Best Management Practices) installation and maintenance to construction sites of all types and sizes. Our simple goal: Helping you achieve your compliance goals quickly and affordably.

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In 2017 CDPHE ramped up its stormwater team with an additional six inspectors.



CDPHE is the Colorado Department of Public Health and Environment.

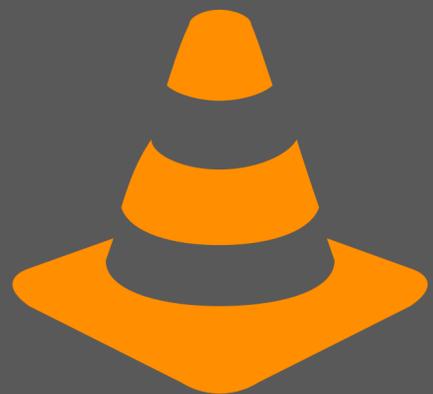


In 2017 CDPHE also
announced an initiative
to inspect at least 10%
of active permitted sites

That is
roughly a
4x increase
from 2016.

As a public agency, CDPHE shares a lot of data about their programs. From this we know that recent years saw roughly 150 permitted construction sites receive stormwater inspections per year. 10% of active sites would equate to approximately 550 inspections in 2017.

Disclaimer



This is not rocket science or a silver bullet, but common sense **guidance based on years of experience.**



This is **not legal advice.**

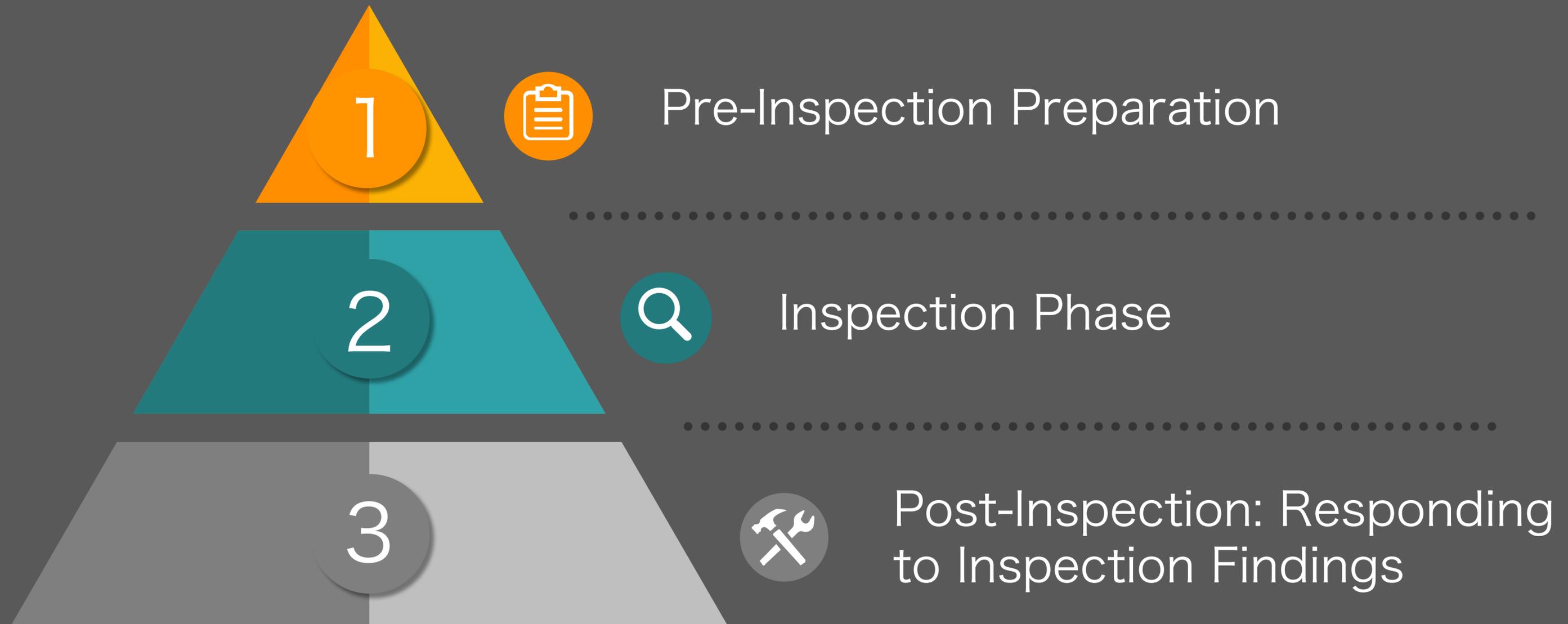


This guide cannot cover every possible strategy or step, but will **clearly lay out the most impactful process for surviving an inspection with minimal risk.**



Most of the content is sourced directly from the State, but we've distilled it down to **manageable action steps.** Good luck!

Your survival has three stages:





Pre-Inspection

SECTION No.

1



Preparation

Like a host cleaning the house for company, you'll feel the pressure to scramble and prepare your site. We have a comprehensive list of fourteen tips to quickly raise your compliance levels.

1 2 3 4 5 6 7 8 9 10 11 12 13 14

But last minute preparation has its limits...

Proactive



As always, we want to remind our readers that proactively managing stormwater compliance – from breaking ground right through to final stabilization – is the best course of action.

This proactive management approach is what you legally committed to when you applied for a stormwater discharge permit.

Integrity



You, or someone representing your firm, signed the permit and agreed to be bound by the Stormwater Management Plan (SWMP). When you sign an inspection report you are again signing a legal statement that the report is accurate to the best of your knowledge.

Do not attempt to creatively amend the SWMP or Inspection Reports. It is more important to be accurate and above board than it is to have perfect paperwork.

Perspective



The following pages are our recommended steps for preparing for the state visit. If you have been diligent over time, this will serve as a reminder or checklist to confirm that you are on track to an easy inspection.

If you review these tips and find you are not prepared, then make a commitment now to get up to speed and stay on top of your compliance program going forward. You'll be glad you did.

Preparation: Step One



As soon as possible, call your BMP contractor and stormwater consultant

There's no need to tough it out alone, and having more heads in the huddle will help you prioritize your efforts.

The pros you already work with will be familiar with your site and can help you laser focus on critical items.



Preparation: Step Two

Review the Permit and SWMP Narrative

Both the stormwater consultant and the BMP contractor will want to see past inspection records to close out any items that have been missed or overlooked.

- Has the SWMP been updated over time as changes occur on site?
- Does the narrative contain all the necessary elements?
- Review the BMP Construction details to ensure your BMPs are installed per these details and specifications.

Preparation: Step Two

Review the Permit and SWMP Narrative

The state provides extensive guidance on this topic. The link below is for a 23 page document detailing expectations for a SWMP plan. Summit's team can help you distill this document down to the actionable steps you'll need to prepare for your state inspection.

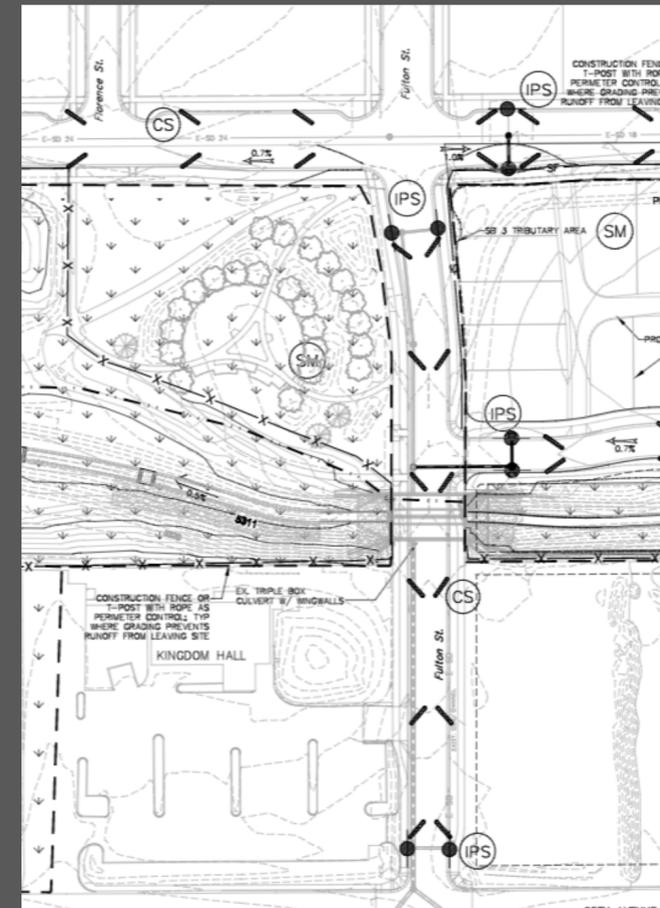


[Click here for the CDPHE SWMP Guidance Document](#)

Preparation: Step Three

Review SWMP Map

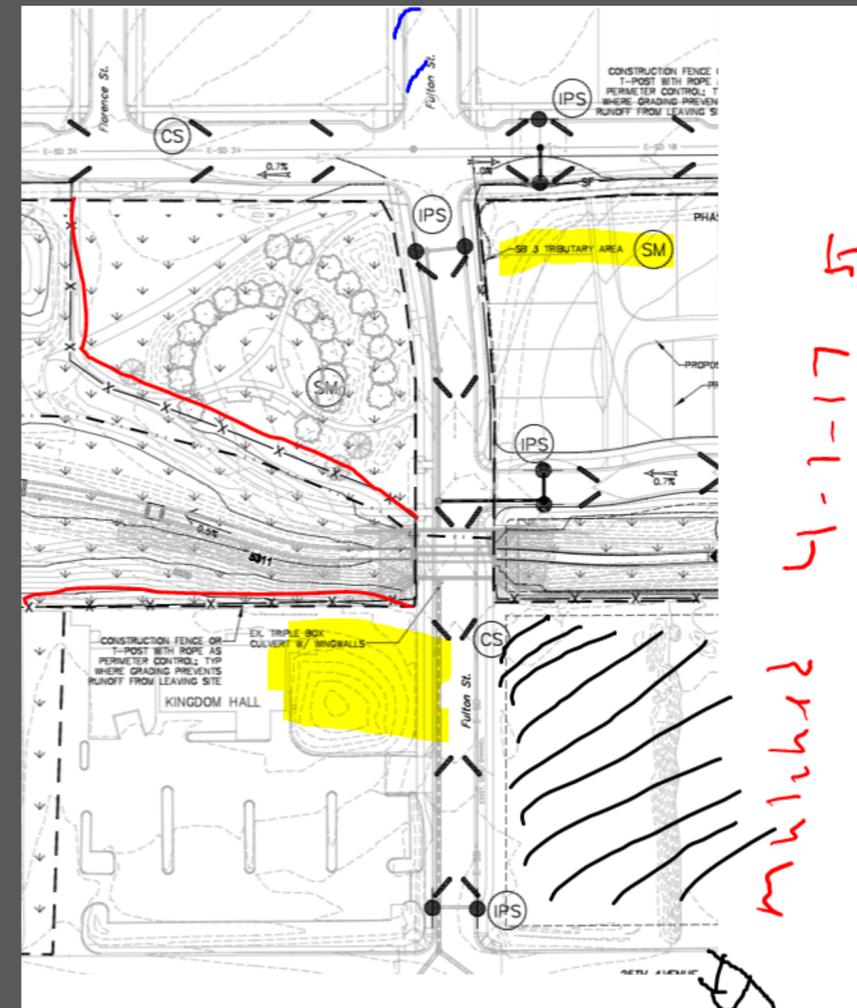
Confirm that the map accurately reflects site conditions and shows the current set of BMPs. The map is intended to be a living document that will reflect changes over time. If you have several SWMP maps to reflect phasing, be sure you are updating the current (correct) phase.



Preparation: Step Three

Review SWMP Map

Changes or updates to the maps should be dated and initialed. If you have completed a phase, note the date the older map was retired and the new map use began. Is the legend accurate? We recommend color coding your BMPs so they can be more easily tracked on the map, and using one color pen to note installations, and another color pen to note removals.



Preparation: Step Four

Review Inspection Reports

Summit SERVICES GROUP StormWater Inspection Report

Summary

Site Name: Self Storage at ~~Centera Phase 2~~ Customer: ~~Contracting, LLC.~~
 Permit Number: COR03~~XXXX~~ Inspection Type: Routine / Storm Event
 Permit Description: Commercial Development Inspector: Dan Korman - Compliance
 Inspection Date: 03/29/2017 11:08AM Inspector: dkorman@summitservicesgroup.com
 (720) 450-2693

Inspection Notes:

Weather

Has there been a storm event since the last inspection? Yes Approximate Amount (in): 54
 Storm Start Date: 03/28/2017 Storm Duration (hrs): 18 Current Weather: Cloudy

Notes: This site received rain from a storm event that began Tues (3/28) and continued in to Wed morn (3/29) - approx 0.50". Today the ground is damp. Not observing any erosion or sediment migration on site. Other than the listed open action items, this site and BMPs remain in good condition.

Inspection Questions & Comments (see next section for action items, additional notes, and completion dates)			
#	Question	Status	Comments
1	Present Phase of Construction?	Comment	Interim-final. Vertical construction underway. Paving is complete. Former disturbed areas have been seeded with crimp mulch.
2	Ground conditions and temperature at time of inspection?	Comment	Cloudy. Damp ground. 50F.
3	Location of SWMP / Permit?	Comment	In possession of inspector - Dan Korman, Summit
4	Have there been any deviation from the required minimum inspection schedule as described in the SWMP?	No	Bi-weekly including post storm events.
5	Do discharge points (e.g. drainage ways, outlets, outfalls) and basins (retention/detention) need maintenance?	No	
6	Are temporary and permanent stabilization measures implemented per requirements? (e.g. slopes, inactive disturbed areas, swales, etc.)	Yes	3/8/17 - Former disturbed areas of the north and east perimeter have been seeded with crimp mulch.
7	Are stockpiles located and stabilized properly?	Yes	3/8/17 - Stockpile and surrounding areas seeded with crimp mulch.
8	Are sensitive areas (e.g. streams, wetlands, trees) protected with barriers or similar BMPs?	NA	

- Are all the reports included?
- Are they displayed in sequence?
- Are action items closed out?
- Remember that each item closed out will require a date and an initial and should be carried back to any previous reports where the item was noted.

Preparation: Step Four

Review Inspection Reports

When ALL action items for a specific inspection report are completed, the authorized SWMP administrator should sign off on the inspection report. The date on the signature should match the date the last action item was corrected (closed out).

12	Are paved/hard surfaces (e.g. exits, sidewalks, curbsides, etc.) in need of housekeeping or installation of additional controls?	No	Continue routine sweeping of all paved surfaces.
13	Is trash, debris, or waste collected & disposed of properly?	No	-See action items. -Continue to clean up and dispose of loose debris, trash, material waste on site. -Reminder to refresh/replace full dumpsters.
14	Are washout facilities (e.g. paint, stucco, concrete) available, clearly marked, & maintained?	Yes	-Make sure CWA has proper signage.
15	Are portable sanitary services (e.g. port-o-let) properly installed and maintained?	Yes	
16	Are vehicle and staging areas maintained and free of spills, leaks, etc.?	Yes	
17	Are materials that are potential stormwater contaminants controlled with secondary containment or stored inside?	Yes	Reminder to store all potential pollutants in secondary containment.
18	Are non-stormwater discharges (e.g. wash water, dewatering) properly controlled?	Yes	
19	Are there any action items to be addressed not described above?	No	

#	Location	Action	BMP	Notes	Date Noted	Corrected Date/Initials
13	See notes for details	Maintenance	Trash/ Waste Management	Refresh overflowing dumpster on site.	03/20/2017	03/21/2017 - D.K.
13	See notes for details	Maintenance	Trash/ Waste Management	Observing loose fly-away materials/waste on east perimeter and NW corner. Recommend full site cleanup and walk around to clean up and properly dispose of trash.	03/20/2017	
13	See notes for details	Refresh	Trash/ Waste Management	Refresh full dumpster on site.	03/29/2017	

Page 2 of 2

Permit Description: Commercial Development Inspection Date: 03/29/2017

Summit SERVICES GROUP StormWater Inspection Report

Inspector: Dan Korman Dan Korman
 Date: 03/29/2017 Qualification: Compliance Inspector
 The above inspection is true and complete to the best of my knowledge.

Responsible Authority: _____
 Date: _____
 I certify that the site is in compliance with the permit to the best of my knowledge and belief and adequate corrective actions have been taken or no incidents requiring corrective actions were identified.

Preparation: Step Five

Site Maintenance: Clean Streets

Clean up any dirt tracked out from site exits. Dirt tracked onto adjacent or “internal streets” is highly visible and an indication of poor maintenance habits. Our experience has shown that this is the item most likely to trigger calls from neighbors to the city or to the state. This means regulators are also likely to view it as a significant finding. In fact, since one of the primary goals of the SWMP plan is to keep sediment (and all forms of pollutants) from leaving the permitted area, dirt on the street is a clear failure of the VTC and other Best Management Practices.

Preparation: Step Six

Site Maintenance: Perimeter Controls

This includes best management practices like silt fence, berms, or wattles. If you know your construction details, then you know what to look for: effective trenching, staking, staples, joints and smart placement are all key elements. Perimeter control BMPs should have no gaps and have enough containment capacity to handle the flows they receive.

Preparation: Step Seven

Site Maintenance: Inlet Protection

As with other BMPs, confirm that the style used conforms to the style noted in the construction details. If located on pavement, clean the area surrounding the inlet protection BMP. Visually inspect for sediment accumulation inside inlet structures. Because of confined space issues, hiring a vacuum truck is often the most effective way to clean inside an inlet structure.

Preparation: Step Eight

Site Maintenance: Stockpiles

Often overlooked because the stockpiles may be temporary

- Will the stockpile need to be covered?
- Is sediment control needed at the top of the slopes?
- Is temporary stabilization (i.e. surface roughening needed)?

Preparation: Step Nine

Site Maintenance: Pollutants

- Items such as fuel cans, paint, cleaners, solvents, etc. will need secondary containment.
- Are there any spills to be cleaned up?
- Are portable toilets located, *anchored*, and protected per plan?

Preparation: Step Ten

Site Maintenance: Concrete Wash Area

Ensure that there are no concrete spills outside of the designated area. Is there sufficient capacity in the CWA to accept more material? Is there signage designating the area? Does your design require a tracking pad or other stabilization method?

If piles of dried concrete or washwater stains are found outside of the CWA they will be considered trash and be noted as a finding.

Preparation: Step Eleven

Site Maintenance: Trash and Debris

Pick up loose trash and debris. This may seem minor to you, or maybe it is so common you've begun to overlook it, but trash on site is considered a pollutant. It is also a very common finding on state inspections.

Ask your trade partners to help you. If everyone helps out it should be a quick way to avoid a finding.

Look at your SWMP...are you required to have a dumpster? Is it supposed to be covered?



Preparation: Step Twelve

Stabilization: Temporary

Depending on phasing and your stage of construction, you may need stabilization on some or all of your project.

- Is surface roughening in good condition?
- Are erosion control blankets installed to spec?
- Has drill seeding been completed?
- Are any temporary stabilization measures that have been implemented shown on the BMP map?

Preparation: Step Thirteen

Stabilization: Permanent

Examples of permanent stabilization include paving and landscaping.

- Is paving partially or fully completed?
- Is landscaping in place (sod, trees, shrubs, mulch)?
- Has drill seeding been completed?
- Are any permanent stabilization measures that have been implemented shown on the BMP map?

Preparation: Step Fourteen

Potential Pollutants

Remember, the SWMP Plan could miss something due to the complexity of construction activities. During the preparation for a state inspection, keep in mind that the inspector will not only look for deficiencies in installed BMPs, but also the “potential” for any sediment or other pollutants to leave the site or enter state waters. In other words, additional BMPs may be needed that are not in the plan.



SECTION No.

2



During an Inspection:

You've cleaned house. Now your "guests" have arrived. How can you help them to feel at home and create a positive relationship that will set the tone for future communication?



Inspection: Step One

Assist the State Inspector

Assist the state inspector by meeting them at the appropriate time, welcoming them to the project, and giving them access to the stormwater documentation.

You have a legal obligation to provide the permit, SWMP and related documents.

The inspector will ask you to provide contact information for all persons present, and will confirm who should be copied on the correspondence.

Inspection: Step Two

Provide Copies

When you received your notice of inspection, it spelled out which documents you were asked to provide copies. Have those documents ready to hand over. They will go back to the office with the inspector for additional review, since their time on site is limited.

Inspection: Step Three

Respond to Questions

The inspector has a checklist of items they are attempting to confirm are in your paperwork.

Because not every SWMP is organized the same they may have questions for you. If you can point out where these items are, it will help you get credit for having as much of the material available as possible.

Inspection: Step Four

Join the Inspector for a Site Walk

The inspector will have a copy of the BMP map and will walk the site confirming the accuracy of the map.

- Take note of their comments.
- Take photos where they take photos
- Respond to questions appropriately.

Inspection: Step Five

Answer Site Questions

- Answer questions directly, with no embellishment and no evasion.
- It's OK to not have an answer, but in that case, take note and offer to research and follow up.
- All the state inspectors we've encountered have been polite and professional. Return the favor, and remember they are simply doing their job.

Inspection: Step Six

Snapshot

This is a “point in time” inspection. Simply put, the Inspector cannot confirm how amazing your site was last week, or how you intend to make it amazing again next week. So the notes and findings will pertain only to what can be observed today. Think of the inspection like a snapshot. Or think of the inspector like an umpire, calling it like they see it. If you feel today’s snapshot is not a fair representation, the best response will be to quickly resolve any findings called out in the inspection report.



Inspection: Step Six

Take Action

Make a good faith effort to respond immediately to some of the simpler findings. You will not have time to schedule or mobilize some responses, but you can have a laborer pick up trash or sweep areas that are noted during the site walk.

Inspection: Step Seven

Offer Ideas and Input

- It is OK to offer alternative solutions. Maybe the plan calls for wattle, but you know the area will be landscaped tomorrow. Let the inspector know your plan.
- Is the stockpile active? Will the fuel cans be stored at the end of the day? What information can you offer to explain what the inspector is seeing?

Inspection: Step Eight

Ask for Clarification

- Ask for clarification if needed. It can be helpful to know exactly what the state is looking for with particular BMP.
- Curious about the next step in the process? Want to know how your site is stacking up? These are fair game.
- Want to know why your project was selected? You have direct access to a state employee. This is a great time to educate yourself on the process and expectations.



Post-Inspection Response

SECTION No.

3



Post-Inspection Response:

The third critical phase to surviving a state stormwater inspection is how you respond to the state's inspection report.



Post-Inspection Response:

After your inspection you will receive a **Preliminary Inspection Report**, often the same day. This report does not require a response.

A **Final Inspection Report** will follow in 14 to 21 days. This section will focus on how to properly respond to the Final Inspection Report.

Post-Inspection: Step One

Designate a Responsible Party

Someone at your firm, possibly the person you've already selected as Stormwater Administrator, needs to be the final authority on approving expenses and making decisions related to the Final Inspection Report response.

Post-Inspection: Step Two

Designate a Response Coordinator

Most responses require a coordinated effort from several people. To avoid dropping the ball, have one person designated to create the official response.

Summit will gladly serve in this role for you, or your Stormwater Administrator may take on this role. In this case Summit will gladly provide guidance and consulting to assist you.

Post-Inspection: Step Three

Compile Documentation

Typical elements of the response include: documenting repair and maintenance of BMPs; updates to SWMP; updates to inspection reports; gathering signatures; compiling a response document.

Remember, the clock starts ticking immediately after the inspection. Whether enforcement is a possibility or not, it is wise to address action items from the state inspection as soon as possible, and immediately in most cases. Document these repair dates in the SWMP so they can be used for the final response.

Post-Inspection: Step Four

Documentation Examples:

Number your responses to match the findings on the state's Final Inspection Report.

For example: Finding 1: Damaged wattle at SE corner; The wattle was replaced with new wattle, per manufacturers specification and as detailed in the SWMP, see photos 1a, 1b, and 1c.

Post-Inspection: Step Four

Documentation Examples:

Number your responses to match the findings on the state's Final Inspection Report.

For example: Finding 5: No perimeter control at stockpile on Lot A; Stockpile in question was removed on April 1, 2017, see photos 5a and 5b.

Post-Inspection: Step Four

Documentation Examples:

Number your responses to match the findings on the state's Final Inspection Report.

For example: Finding 8: Inlet at Denver Street did not match the construction detail for inlet protection included in the SWMP; The construction detail was modified to allow the use of concrete block as a spacer. A copy of the updated construction detail was added to the SWMP and a copy is attached. Attachment is labelled "Finding 8_Inlet Protection detail"

Post-Inspection: Step Five

Guidance: Stick to the Facts

Your response should include a response to each individual finding and any questions raised in the Final Inspection Report.

Stick to the facts. This is not the place to vent or share your opinion about the process or your compliance efforts.

Post-Inspection: Step Six

Hit the Deadline for Response

Your Final Inspection Report will include specific date for response, along with an address and contact name. Expect to have 14 to 28 days to respond, but always refer to your specific correspondence.

Sign the required certification.

The state will review your response within 30 days of receipt.

Post-Inspection: Step Five

Next Steps

We cannot define every “next step” because each project and each response is unique. Be prepared to respond to any comments or questions from the state. Their communication will lay out any further expectations.

But if you’ve prepared well and responded professionally, you are likely to be informed that no further action is pending.

Congratulations!

You have survived a state inspection.



Final Thoughts

Clients who have gone through the process agree:
Proactive compliance trumps reactive scrambling every time.

Contact [DTEC](#) or [Summit](#) if you'd like help developing a robust, proactive compliance program before you get an inspection notice.



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Inspection Checklist

Pre-Inspection Preparation

1. Contact Your Team/Vendors
2. Review Permit and SWMP
3. Review SWMP Map
4. Review Inspection Reports
5. Clean Streets
6. Perimeter Control
7. Inlet Protection
8. Stockpiles
9. Pollutants
10. Concrete Wash Area
11. Trash and Debris
12. Temporary Stabilization
13. Final Stabilization



During the Inspection

1. Assist the Inspector
2. Provide Copies
3. Answer Questions
4. Site Walk
5. Answer site Questions
6. Take Action
7. Offer input
8. Ask Clarifying Questions



Post-Inspection

1. Responsible Party
2. Designate Responder
3. Compile Documents
4. Match Response to Findings
5. Stick to the Facts
6. Meet the deadline



Please contact us for further
insight or guidance.



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