COR070000 Construction Program Procedures TEMPLATE

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*DISCLAIMER:*

*This document, courtesy of SPLASH members, has been provided for* ***educational purposes only*** *to assist other permittees regarding the MS4 Non-standard Permit, effective November 1, 2021.*

*This document may contain omissions or errors and therefore any use of this will be entirely at your own risk.*



(The following template is an example only. There are many methods to comply with the COR-070000 MS4 Permit and many types of permittees. Edit this document as needed based on your specific program.)

*Cherry Creek Watershed Requirements have been added with this font color.*

*Permittee to fill out yellow highlighted sections.*

*Recordkeeping that must occur has been included with the requirement section.*

*Insert Document Revision number and date here.*

# Introduction

Protecting the quality of stormwater runoff is required by the Colorado Discharge Permit System (CDPS) Regulations. The procedures described in this document detail compliance with requirements of the Municipal Separate Storm Sewer System (MS4) Permit (COR070000) issued by the Colorado Department of Public Health and Environment (CDPHE). The CDPHE, Water Quality Control Division (WQCD), through the MS4 permit issued to the Permittee, requires the Permittee to control and reduce the discharge of pollutants to protect stormwater quality and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act and the Colorado Discharge Permit Regulations (Colorado Regulation 61). Specifically, 61.8(11) Conditions for Phase II Municipal Stormwater Permits states:

*(a) An individual permit or general stormwater permit certification issued to a regulated small MS4 shall contain the following requirements, at a minimum:*

*(i) …regulated small MS4 develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Colorado Water Quality Control Act (25-8-101 et seq., C.R.S.). …Implementation of BMPs consistent with the provisions of the stormwater management program required pursuant to this section and the provisions of the permit required pursuant to subsection (ii) constitutes compliance with the standard of reducing pollutants to the MEP…*

*(ii) Minimum control measures (management programs).*

*(D) Construction site stormwater runoff control.*

*(I) The permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of pollutants in stormwater discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. If the Division waives requirements for stormwater discharges associated with a small construction activity in accordance with 61.3(2)(f)(ii)(B), the permittee is not required to develop, implement, and/or enforce its program to reduce pollutant discharges from such a site.*

*(II) The program must be developed and implemented to assure adequate design, implementation, and maintenance of BMPs at construction sites within the MS4 to reduce pollutant discharges and protect water quality. The program must include the development and implementation of, at a minimum:*

*(a) An ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;*

*(b) Requirements for construction site operators to implement appropriate erosion and sediment control BMPs;*

*(c) Requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;*

*(d) Procedures for site plan review which incorporate consideration of potential water quality impacts;*

*(e) Procedures for receipt and consideration of information submitted by the public, and*

*(f) Procedures for site inspection and enforcement of control measures.*

As required in the MS4 general permit (COR-070000) Construction Sites Program, a program to reduce the discharge of pollutants from public and private construction sites must be implemented.

## Purpose of Document

This procedure, titled *Construction Program Procedures*, documents the process for complying with the Construction Sites Program in the Non-Standard MS4 Permit (COR-070000).

The procedure may change without notice if it is found to no longer be effective and/or compliant with the MS4 permit requirements. Unless significant changes warrant, this document is reviewed annually and updated as necessary.

## Applicability (Part I.E.3)

MS4 Permit Requirement

Part I.E.3. Construction Sites: *The permittee must implement a program to require structural control measures and/or nonstructural control measures that effectively minimize erosion, sediment transport, and the release of other pollutants related to applicable construction activity and construction activity within the Cherry Creek watershed.*

* *All permittees: Parts I.E.3.a.i through x and I.E.3.b apply to all applicable construction activity of one or more acres, or disturbing less than one acre if that construction activity is part of a larger common plan of development or sale that would disturb, or has disturbed one or more acres.*
* *Permittees in the Cherry Creek watershed: Parts I.E.3.a.xi applies in addition to requirements in Parts I.E.3.a.i through x and I.E.3.b for applicable construction activities of one or more acres, or disturbing less than one acre if that construction activity is part of a common plan of development or sale that would disturb, or has disturbed one or more acres.*
* *Where construction activity disturbs less than one acre and is not part of a common plan of development the requirements of Part I.E.3.a.xi apply; however, the permittee may be eligible for exclusion under Part I.E.3.a.i(A) and (B).*

# Section 1: Regulatory Mechanisms (Part I.E.3.a.ii)

This section, titled Regulatory Mechanisms, documents the regulatory mechanism for ensuring compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.ii Regulatory Mechanism: *To the extent allowable under state or local law, the permittee must implement a regulatory mechanism to meet the requirements in Part I.E.3, including the following:*

*(A) The ability to implement sanctions against entities responsible for applicable construction activities.*

*(B) Require control measures to be implemented for all applicable construction activities from initial disturbance until final stabilization.*

Part I.E.a.xi. Cherry Creek Watershed Requirements:

*(A) Regulated Activities. The permittee must develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the MS4 from construction activities that disturb land, including, but not limited to, the following:*

*1) Clearing, grading, or excavation of land;*

*2) Construction, including expansion or alteration, of a residential, commercial, or industrial site or development; and*

*3) Construction of public improvements and facilities such as roads, transportation corridors, airports, and schools.*

*(B) Individual Homes. For individual home construction, including any land disturbance or development for a single home that disturbs less than once acre of land, where the owner of the single home holds a permit for construction of only one dwelling within the subdivision, if any, the permittee must meet the requirements of Part I.E.3.a.xi(E)1)(d), but does not have to meet other requirements under Part I.E.3.a.xi. This exception does not apply to activities of land disturbance for roads, road gutters or road improvements associated with the home construction.*

*Click here to enter text.*

*Describe the regulatory mechanism(s). Regulatory mechanisms can include codes, contracts, design standard, application/permit requirements, etc. They are the mechanisms by which the MS4 requires erosion, sediment, and waste control at construction sites. These requirements must apply to all types of “applicable construction” projects and all phases of “applicable construction” (site grading, public improvements) and require control measures from initial disturbance to final stabilization.*

*For permit areas excluded based on adequate land use authority without a formal Participation Agreement, provide documentation that the city/county has sufficient authority to implement and enforce their local construction program and regulatory mechanism on the non-standard MS4’s jurisdictional boundary and actively does so.*

*Describe the process used to comply with the local entities program (plan submittal requirement, criteria manual, permit(s) required, etc). Documentation must consist of:*

* *a description of an effective legal means or process such as issuance of a local grading and erosion control permit.*
* *a description of how the non-standard MS4 is legally held to the city, county, or quasi-governmental MS4 permittee’s construction program requirements.*

*<<Pro Tip: Check with your local city/county for any flow charts or documentation they may have on erosion control requirements. The information above may already exist. For example, check out Longmont’s Construction Permit Fact Sheet. It has the regulatory mechanism (Code section) listed as well as the City’s requirements for permitting:*

[*https://www.longmontcolorado.gov/home/showpublisheddocument/27510/637184065120130000*](https://www.longmontcolorado.gov/home/showpublisheddocument/27510/637184065120130000)*)*

# Section 2: Exemptions and Exclusions (Part I.E.3.a.i and iii)

This section, titled Exemptions and Exclusions, documents the requirements for sites exempted or excluded from the Construction Sites Program to ensure all exclusions meet the requirements of the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.i. Exclusions:

*(A) Applicable construction activities within the jurisdictional boundary for which the permittee does not own or operate or have implementation authority over, are excluded from the requirements of Part I.E.3.a.*

*(B) Permittees with a documented MS4 participation agreement(s) are excluded from the requirements of this section for all applicable construction activities covered by agreement(s). (…)*

*(C) The permittee may exclude construction activities with R-Factor Waiver from the requirements of Part I.E.3 if the division waives requirements for stormwater discharges associated with a small construction activity in accordance with Regulation 61.3(2)(f)(ii)(B) (the “R-Factor” waiver).*

Part I.E.3.a.iii. Regulatory Mechanism Exemptions: *Procedures must be implemented to ensure that any exemptions, waivers or variances included in the regulatory mechanism are applied in a manner that complies with the terms and conditions of this permit.*

Part I.E.3.b.i. *Maintain records for exclusions covered under Part I.E.3.a.i(B) and (C).*

*(A) For exclusions under Part I.E.3.a.i(B) the permittee must describe general locations where another entity implements the construction program and must maintain documented MS4 agreements to comply with Part I.E.3.a.i.(B).*

Part I.E.a.xi. Cherry Creek Watershed Requirements:

*(C) Exclusions (from requirements in Part I.E.3.a.xi only).*

*1) Automatic Exclusions from Cherry Creek watershed requirements. The permittee may exclude the following activities from the requirements in Part I.E.3.a.xi. (…)*

*(a) Agricultural Activities; (…)*

*(b) Emergency and routine repair and maintenance operations for all underground utilities;*

*(c) Land disturbances at residential or commercial subdivisions that already have adequate Construction Control Measures and Post-construction Control Measures installed and operating for the entire subdivision, approved in compliance with Regulation 72, and where the original owner who obtained approval retains legal authority; and*

*(d) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility (maintenance operations performed by the permittee may still be covered under the Municipal Operations minimum control measure).*

*(e) Emergency operations related to flood, fire, or other force majeure.*

*2) Authorized Exclusions from Cherry Creek Watershed Requirements. The permittee may exclude the following activities from the requirements in section Part I.E.3.a.xi (Cherry Creek Watershed Requirements), if authorized through a developed procedure for determination that water quality is adequately protected without imposing the requirements. (…)*

*(a) Construction of a sidewalk or driveway; and*

*(b) Underground utility construction including the installation and maintenance of all utilities under hard surfaced roads, streets, or sidewalks, (…)*

*3) Additional Exclusions. The permittee may allow for additional automatic and/or authorized exclusions from Part I.E.3.a.xi, with written approval of the division, (…)*

*Click here to enter text.*

*Insert any exclusions that are allowed by your MS4. Exclusions cannot be something that would be required to comply with the Construction Program; they are only those exclusions that are specifically listed in the MS4 permit. Review the allowed exclusions listed in the permit and determine which of those you will allow (e.g. R-factor Waiver, sites with a Participation agreement, etc.). Describe the process for granting the exclusion. This is to prove you do not allow variances that would not be allowed by the permit.*

*For permit areas excluded through an MS4 Participation Agreement or based on adequate land use authority, describe the general locations where another entity implements the construction program.*

*In addition, document how exclusions will be tracked, including the information required (site name, owner name, location, completion date, site acreage, reason for exclusion, and any required information specific to each exclusion).*

# Section 3: Control Measure Requirements (Part I.E.3.a.iv)

This section, titled Control Measure Requirements, documents the standards used for ensuring compliance with the Construction Sites Program. It also documents the requirements for submittals.

MS4 Permit Requirement:

Part I.E.3.a.iv. Control Measure Requirements: The permittee’s Construction Sites Program must require the selection, installation, implementation, and maintenance of structural and nonstructural control measures that meet the requirements of Part I.B. The permittee must require that control measures are appropriate for the specific construction activity, the applicable pollutant sources, and phase of construction and minimize pollutants in stormwater runoff from construction sites to the municipal storm sewer system. Control measures must meet the minimum requirements below.

(A) Appropriate control measures must be implemented prior to the start of construction activity, during each phase of construction, and through completion of final stabilization. Appropriate structural control measures must be maintained in operational condition.

(B) Control measures must be maintained in accordance with good engineering, hydrologic and pollution control practices. The necessary repairs or modifications to a control measure requiring routine maintenance must be conducted to maintain an effective operating condition.

(C) Control measures must be selected, designed, installed, implemented, and maintained to minimize all known or expected potential pollutants, including but not limited to sediment, construction site waste, trash, discarded building materials, concrete truck washout, chemicals, sanitary waste, and contaminated soils in discharges to the MS4. Pollutant sources must be addressed, at a minimum, as specified below:

1) Control Measures for Erosion and Sediment Control (…)

2) Practices for Other Common Pollutants (…)

3) Stabilization Requirements (…)

Part I.E.3.b.v. Selected Control Measures Manuals*: The selected control measures manual(s) used to meet the permit requirements.*

Part I.E.a.xi. Cherry Creek Watershed Requirements:

(E) Required Construction Control Measures.

*1) The following requirements for construction control measures to be implemented prior to the commencement of land disturbances must be included in the permittee's program.*

*(a) Phase Construction. (…)*

*(b) Reduce stormwater runoff flow to non-erosive velocities when practicable using control measures, which include, but are not limited to: (…)*

*(c) Protect state waters located on construction sites from erosion and sediment damages resulting from land disturbance, using control measures such as, but not limited to: (…)*

*(d) Control sediment before it leaves a construction site (…)*

*2) The following construction control measures must be required within 14 days after the commencement of land disturbances. (…)*

*(a) Stabilize soils. (…)*

*(b) Re-vegetate disturbed areas. (…)*

*(c) Variances. (…)*

*(d) Inspection/Operation and Maintenance.*

*(i) The owner must be held responsible for inspection of construction control measures at the following times and intervals at a minimum: (…)*

*Click here to enter text.*

*Describe and demonstrate how the program:*

* *ensures control measures are implemented through all phases of construction;*
* *ensures control measures are maintained,*
* *ensures control measures are selected, designed, installed, implemented, and maintained to minimize all known or expected potential pollutants, and*
* *ensures the specific potential pollutants/control measures listed in the permit are addressed.*

*Identify the design manual(s) used to meet the control measure requirements for sites not excluded through an MS4 Participation Agreement.*

# Section 4: Site Plans (Part I.E.3.a.v)

This section, titled Site Plans, documents the requirements for site plans to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.v. Site Plans: *The permittee must require operators to develop and maintain site plans that locate and identify all structural and non-structural control measures for the applicable construction activities. The site plan must contain installation, implementation, and maintenance specifications or a reference to the document with installation, implementation, and maintenance specifications for all structural control measures. A narrative description of non-structural control measures must be included in the site plan.*

*The permittee must require that a site plan be maintained to reflect current conditions. This means, among other actions, the permittee must take all documentation and enforcement steps necessary at each site in order to ensure that the site plan is maintained to reflect all current conditions.*

*(A) Initial Site Plan Review: The permittee must review and approve site plans for all applicable construction activities prior to the start of construction activities. If a site plan does not meet the requirements in this section (Part I.E.3.a.v), the permittee will not approve the site plan and will notify the owner/operator that land disturbing activities may not be commenced at the site. For public emergency related sites, the permittee may review the site plan up to 14 days following the start of construction activity. The permittee will only approve a site plan if the permittee has confirmed that the site plan:*

*1) Has been prepared in accordance with good engineering, hydrologic and pollution control practices.*

*2) Includes appropriate control measures for all potential sources of pollution at all stages of construction, including final stabilization.*

*3) Meets the requirements in Part I.E.3.a.iv.*

*4) Identifies all potential sources of pollution which may reasonably be expected to affect the quality of stormwater discharges associated with construction activity from the site, including those identified in Part I.E.3.a.iv(B).*

*5) Includes a site description which includes, at a minimum, the following:*

*(a) Qualified Stormwater Manager. (…)*

*(b) Spill Prevention and Response Plan. (…)*

*(c) Materials Handling. (…)*

*(d) Potential Sources of Pollution. (…)*

*(e) Implementation of Control Measures. The site plan must include design specifications that contain information on the implementation of the control measure in accordance with good engineering hydrologic and pollution control practices; including as applicable, drawings, dimensions, installation information, materials, implementation processes, control measure-specific inspection expectations, and maintenance requirements.*

*(f) The site plan must include a documented use agreement (…)*

*(g) Site Description. The site plan must include a site description which includes, at a minimum, (…)*

*(h) Site Map. The site plan must include a site map which includes, at a minimum, (…)*

*(i) Final Stabilization and Long Term Stormwater Management. The site plan must describe the practices used to achieve final stabilization of all disturbed areas at the site and any planned practices to control pollutants in stormwater discharges that will occur after construction operations are completed. Including but not limited to, detention/retention ponds, rain gardens, stormwater vaults, etc.*

Part I.E.3.b.vi. *Site Plans: Copy of the initially approved site plan or, when there have been major modifications approved by the permittee, the site plan with those major modifications.*

Part I.E.a.xi. Cherry Creek Watershed Requirements:

(D) Submittal requirements.

*1) The construction site owner (owner) must submit an Erosion and Sediment Control Plan to the permittee describing permittee-approved construction control measures for land disturbances regulated by this program. The permittee must adequately review and approve the erosion and sediment control plan prior to the commencement of land disturbances.*

*Click here to enter text.*

*Describe how the program requires construction site operators (and/or owner) to develop a site plan including locations of, and details for, control measures, as well as a narrative description of the non-structural control measures. Many MS4s use a checklist to verify site plans include all the required permit items. If you have one, you may include the checklist in the document as an Appendix, or reference it by title (remember to update this document whenever the checklist is updated).*

*Include how site plans are approved and where approved copies are located and maintained.*

*<<Pro Tip: The Site Plan requirements in this permit mimic the requirements in the State General Construction Stormwater Permit. There are many MS4s that have developed checklists to use in their plan review that meet the permit requirements. Save some time by borrowing one to use instead of creating your own!>>*

### Site Plan Revisions (Part I.E.3.a.v(B))

This sub-section, titled Site Plans Revisions, documents the requirements for any site plan revisions to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.v.(B) Site Plan Revisions. *The site plan must reflect current site conditions. The permittee will implement procedures and deadlines for the following site plan modifications:*

*1) Major Modifications. Changes to the original site plan that remove or add additional area to the project, modify the final hydrology or drainage of the final design, replace approved site plans, or otherwise expand or contract the scope of the original project shall require the submission of plans to the permittee for review and approval.*

*2) Minor Modifications. Modifications to the original site plan that do NOT increase the scope or change hydrology of the project but modify/improve specific control measures in use at site, indicate progression in phasing of the project, or specify relocation of previously approved control measures within the project shall be made in the field by the construction site owner/operator and thoroughly documented in the site plan narrative and/or site map drawings, where applicable. The permittee must evaluate minor modifications made by the construction site owner/operator during site inspections and* *determine if the modification is adequate. No formal written approval is required for minor modifications, except minor modifications identified during site inspections must be documented in some way (like initialing the map or through an electronic log, or inspection reports).*

*3) The permittee will only approve a major and minor modification if the modification meets the applicable requirements of Part I.E.3.a.v(A).*

Part I.E.3.b.vi.Site Plans: *Copy of the initially approved site plan or, when there have been major modifications approved by the permittee, the site plan with those major modifications.*

*Click here to enter text.*

*Describe the process for ensuring site plan revisions occur and reflect current conditions onsite, including deadlines for modifying the site plans.*

*Include how site plans modifications are approved and where approved copies are located and maintained.*

### Site Plan Review Documentation (Part I.E.3.a.v)

This sub-section, titled Site Plan Review Documentation, details the documentation of site plan reviews to ensure compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.b.v. Site Plans, *Copy of the final site plan reviewed to meet the initial site plan review requirement, and confirmation of the permittee’s review and acceptance.*

*Click here to enter text.*

*Describe how final site plans and acceptance of the plan are documented. Provide detail on the location where you are keeping this information.*

# Section 5: Stormwater Inspection Procedures (Part I.E.3.a.vi.; Part I.E.3.b.vi)

This section, titled Stormwater Inspection Procedures, details the stormwater inspection procedures for compliance with the Construction Sites Program.

### Site Inspection Frequency (Part I.E.3.a.vi)

MS4 Permit Requirement:

Part I.E.3.a.vi. Site Inspections: *Permittees shall inspect applicable construction sites at a minimum inspection frequency listed below. Documentation of inspections outlined below must be maintained in accordance with recordkeeping requirements in I.E.3.b. The following requirements apply:*

*(A) Site Inspection Frequency Exclusion: For any of the following, the permittee is only required to conduct inspections if there are observations or reports of discharges of sediment from disturbed areas:*

*1) Individual Homes in a Residential Subdivision-Finished Home: (…)*

*2) Individual Homes in a Residential Subdivision-Unfinished Home: (…)*

*3) Winter Conditions: (…)*

*(B) Initial Inspection: (…)*

*(C) Routine Inspection: (…)*

*(D) Reduced Site Inspection: Reduced site inspections must occur at the frequency and include the scope indicated below for each type of site:*

*1) Inactive Site Inspection: (…)*

*2) Stormwater Management System Administrator’s Program Inspection: (…)*

*3) Staff Vacancy: (…)*

*4) Indicator Inspection: (…)*

*(E) Compliance Inspection: (…)*

Part I.E.3.b.vii. Site Inspections: *Maintain inspection records with the following minimum information for all inspections conducted to meet the minimum inspection frequency: (…)*

*Click here to enter text.*

*Describe:*

*- The process for determining inspection frequencies (this is where you would indicate reduced frequencies used for inactive/revegetation inspections, stormwater excellence program, staff vacancies, and other alternative inspection frequencies you use in your program that are allowed by the permit).*

*- The process for implementing the inspection frequency (when do you start inspections? What is the trigger?).*

*- The process for documenting the inspection frequencies (is it on your inspection report, a list somewhere, etc.? How do you know at what frequency a project should be inspected?).*

*-The process to ensure Initial Inspections occur prior to start of land disturbance.*

*-The process for documenting inspection results. Attach a copy of the inspection form(s) used in the appendix.*

### Compliance Inspections (Part I.E.3.a.vi(E))

MS4 Permit Requirement:

Part I.E.3.a.vi.(E). Compliance Inspection: *A compliance inspection must occur after the permittee documents an illicit discharge or identifies that there is a failure to implement a control measure or there is an inadequate control measure, unless corrections were made and observed by the inspector during the same inspection in which findings occurred.*

*1) Frequency: Conduct within at least 14 days from the time the permittee documents an illicit discharge or identifies that there is a failure to implement a control measure or an inadequate control measure, unless corrections were made and observed by the inspector during the initial inspection in which findings occurred.*

*2) Scope: A compliance inspection, or alternative inspection listed below, must identify if corrections have been completed on sites where the permittee has documented an illicit discharge or failure to implement a control measure or an inadequate control measure during the previous inspection. One of the following, that incorporates this required scope, may be performed or required in lieu of a compliance inspection within 14 days of the permittee site inspection identifying that there is a failure to implement a control measure or an inadequate control measure:*

*(a) Routine inspection in accordance with Part I.E.3.a.vi(C);*

*(b) Indicator Inspection in accordance with Part I.E.3.a.vi(D)4); or*

*(c) Operator Compliance Inspection: Require the operator to inspect and report that the control measure has been implemented or corrected as necessary to meet the requirements of Part I.E.3.a The operator’s report must include photographs of the new/adequate control measure(s).*

*3) If the permittee is required to conduct a compliance inspection every time after three consecutive routine inspections (as described in Part I.E.3.a.vi(E)), the permittee must conduct a routine inspection in accordance with Part I.E.3.a.v(C) as part of the third compliance inspection and is unable to conduct an alternative inspection listed in (b) or (c) above. Routine inspections will then be conducted every 14 days until the site inspections no longer document an illicit discharge, or identify a failure to implement a control measure resulting in an increase discharge of pollutants or an inadequate control measure resulting in an increase discharge of pollutants. In the event a stop work order is issued, the 14 day schedule is not applicable, and the permittee will do a routine inspection as part of re-inspection for the contractor to resume work.*

*Click here to enter text.*

*Describe the process for follow up inspections/compliance inspections, including tracking number of compliance inspections conducted.*

* *When do you require a follow up inspection?*
* *What determines if a site needs to have a follow up inspection?*
* *What is looked at during the follow up inspection (the entire site, only the items required to be fixed from the last inspection, etc.)?*
* *How is the follow up inspection documented? How are follow up actions are documented (pictures, list of corrections etc.)?*

### Documentation of Inspections (Part I.E.3.b.vi(C)

MS4 Permit Requirement:

Part I.E.3.e.vi. Site Inspection: *Permittee has written procedures for conducting site inspections, including the citation(s) and location(s) of supporting documents that describe the following:*

 *(C) The process and tools used for documenting inspections.*

*Click here to enter text.*

*Describe how inspections are documented. Is an inspection form used? You may include the form in the document as an Appendix or reference the title of the form. (remember to update this document whenever the form is updated).*

# Section 6: Enforcement (Part I.E.3.a.vii)

This section, titled Enforcement, details the stormwater enforcement procedures for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.vii. Enforcement Response: *Implement appropriate enforcement procedures and actions to meet the requirements of Part I.E.3.*

*(A) The permittee must have processes and sanctions to minimize the occurrence of, and obtain compliance from, chronic and recalcitrant violators of control measure requirements.*

*(B) The permittee must require enforcement escalation as necessary based on the severity of violation and/or the recalcitrance of the violator to ensure that findings of a similar nature are enforced upon consistently. The permittee must use the following types of enforcement mechanisms or their equivalent:*

*1) Verbal warning*

*2) Written notification of non-compliance. The permittee must define this notification in the PDD.*

*3) Written notice of violation imposing fines or withholding payment. The permittee must define this notice in the PDD.*

*4) Written corrective order with schedule to obtain compliance. The permittee must define this corrective order in their PDD.*

*5) Written stop work order.*

*6) Administrative, civil, or criminal legal action.*

*(C) The permittee must escalate enforcement procedures at a construction site if non-compliance has continued at the site for more than two inspections. If the permittee does not escalate enforcement at that time, permittee will document a report justifying why the permittee did not choose to take enforcement actions under the enforcement escalation policy. Exceptions to reporting may be made under the following conditions: (…)*

(D) *The enforcement procedure(s) must detail the types of escalating enforcement responses the permittee will take in response to common violations and time periods within which responses will take place, including as a minimum:*

*1) Construction commencing without SWMP review in accordance with Part I.E.3.a.v and an initial inspection.*

*2) SWMPs consistently not maintained and modified in accordance with the permittee’s requirements.*

*3) Control measures not maintained in operational condition at time of permittee inspection, including sites that have temporarily shut down construction activities.*

*4) Uncorrected finding(s) from previous inspections.*

*5) Failure to implement a control measure for a pollutant source or inadequate control measure resulting in a discharge of pollutants from the applicable construction site to the MS4 or state waters.*

*6) Failure to take corrective actions required by the permittee.*

*Click here to enter text.*

*Describe the process for enforcement. Include:*

* *List the types/tools you have for enforcement and when they are used (must include* *Verbal warning, Written notification of non-compliance, Written notice of violation imposing fines or withholding payment, Written corrective order with schedule to obtain compliance, Written stop work order, Administrative, civil, or criminal legal action or an equivalent.)*
* *Common violations (at a minimum (D) above) and in what timeframe the action will be taken.*
* *Process for tracking non-compliance inspections for a site.*

# Section 7: State or EPA Inspection Notifications (Part I.E.3.a.viii)

This section, titled State or EPA Inspection Notifications, details how operators are informed of the requirements for controlling pollutants, including trash, for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.viii. State or EPA Inspection Notifications: *Within 30 days of notification, the permittee will review any provided state and EPA inspection reports for construction sites also overseen by the permittee where the state or EPA has required a written response to findings of noncompliance with the CDPS general permit authorizing stormwater discharges associated with construction activities (CDPS stormwater construction permit, currently General Permit COR400000). The permittee will read and review the state or EPA inspection report against at least the two most recent inspections conducted by the permittee. The permittee will determine whether the evidence of noncompliance with the CDPS stormwater construction permit identified by the state or EPA is also grounds for noncompliance with the permittee’s construction program. The permittee will maintain a documented summary of this review. The summary must describe whether the permittee’s oversight failed to identify noncompliance, and must describe corrective actions that will prevent future oversight failures.*

*Click here to enter text.*

*Describe the process for reviewing and responding to any State or EPA Inspection Report per the requirements above and where the documentation is located.*

# Section 8: Training (Part I.E.3.a.ix)

This section, titled Training, details how staff and operators of applicable construction activities are informed of the requirements for controlling pollutants, including trash, for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.ix. Training: *The permittee shall provide information to staff and operators of applicable construction activities as necessary to ensure that the necessary staff and each operator is aware of the permittee’s construction requirements including controlling pollutants such as trash.*

*(A) The permittee shall require that all operators of applicable construction activities have at least one individual responsible for implementing control measures that is knowledgeable in the principles and practices of erosion and sediment control and pollution prevention, and with the skills to assess conditions at construction sites that could impact stormwater quality and to assess the effectiveness of stormwater controls implemented to meet the requirements of this permit.*

*(B) The permittee shall require all existing and newly hired permittee staff or parties acting on behalf of the permittee who are involved in applicable construction activities design, oversight and/or maintenance related to stormwater drainage and quality to attend a stormwater training course, or demonstrate other equivalent training, education, or experience, that includes, but is not limited to the following:*

*1) Control measure design and overall stormwater management into a project’s construction design and planning phase.*

*2) Implementation of control measures during different phases of construction and the maintenance of a system/series of pollution controls throughout the life of a project and as a project evolves through those different phases.*

*3) For applicable construction activity working in and adjacent to state waters, specific guidance on appropriate, functional, and effective control measures to implement when working in and adjacent to state waters and how those control measures can and should be incorporated into the design of a project.*

*4) For applicable construction activity that involves permanent flood control structures, the proper use of, and necessary modifications to, permanent flood control structures that are used as temporary construction control measures.*

*5) Detailed instruction on final stabilization and the implementation and maintenance of control measures at projects once construction operations have ceased, including a discussion of who will be responsible for maintaining those control measures and how final stabilization will generally be monitored and achieved.*

Part I.E.3.b.x. Training: *Name and title of each staff trained, date of training, the type of training, and a list of topics covered.*

*Click here to enter text.*

*Insert the method used to train staff and construction site operators of applicable construction site erosion, sediment and waste control requirements. Your information must include trash as a pollutant.*

*Describe how the training will be documented, including names/titles, date of training, type of training and topics covered.*

# Section 9: Overlapping Permit Areas (Part I.E.3.a.x)

This section, titled Overlapping Permit Areas, details the stormwater procedures in cases of overlapping permit areas for compliance with the Construction Sites Program.

MS4 Permit Requirement:

Part I.E.3.a.x. For Applicable Construction Activities that Overlap Multiple Jurisdictional Boundaries, when a written agreement is in place with a co-regulating MS4 permittee:

*(A) Control measure requirements may be imposed on the operator in accordance with the requirements of a co-regulating MS4 permittee pursuant to the written agreement.*

*(B) Site plan review/acceptance and site inspection actions may be conducted by a co-regulating MS4 permittee to meet the requirement of the permit.*

*Click here to insert text.*

*Insert the process for overlapping permit areas if you allow that. (Include what type of written agreement will be in place and what information the agreement will contain.)*