

City of Boulder
Municipal Stormwater Discharge Permit
MCM4: Construction Inspections and Enforcement
Stormwater Management Plan Review Procedure

Purpose

This manual is intended to document procedures used by the city of Boulder in administration and enforcement of stormwater quality requirements on construction sites disturbing greater than one acre.

Applicable State and Local Regulations

State Regulations

Colorado Department of Public Health and Environment: Colorado Stormwater Discharges Associated with Construction Activity
General Permit Application and Stormwater Management Plan Preparation Guidance

http://www.cdphe.state.co.us/wq/PermitsUnit/PERMITS/CONSTRUCTION/SWCONSTINSTR_SWMPGUIDE.pdf

NOTE: Construction Dewatering water can NOT be discharged to surface waters or to storm sewer systems without separate state permit coverage and without a city discharge agreement.

Contact the city's Water Quality and Environmental Services workgroup (Stormwater Program) for information on discharge agreement (303) 413-7350

CDPHE contact Information: (303) 692-3517; Email: cdphe.wqstorm@state.co.us; Web Page: www.cdphe.state.co.us/wq/PermitsUnit
Colorado Construction Dewatering Industrial Wastewater Discharge Permit

<http://www.cdphe.state.co.us/wq/PermitsUnit/FORMSAndApplications/APPLICATIONS/CDWFORM.pdf>

Local Regulations

Local regulations used in administering the construction activity stormwater regulations include applicable sections in:

Boulder Revised Code, 1981 (below)

City of Boulder Design and Construction Standards

International Building Code

Urban Drainage and Flood Control District, Drainage Criteria Manual Volume III

Boulder Revised Code, 1981; Chapter 11-5 Stormwater and Flood Management Utility**11-5-2 Definitions**

"Storm water quality best management practices" means practices intended to prevent or reduce the discharge of pollutants directly or indirectly to storm water including, without limitation, schedules of activities, prohibitions of practices, pollution prevention and educational practices, maintenance procedures, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, drainage from raw materials storage and other receiving waters, or storm water conveyance systems. Storm water quality best management practices include the practices, facilities, or improvements identified in the City of 11-5-3 Master Drainage Plan (c) General Requirements for All Construction Activities: No person shall fail to follow or otherwise violate the erosion control practices in the City of Boulder Design and Construction Standards. All such controls shall be installed and maintained in conformity with the standards in the City of Boulder Design and Construction Standards.

11-5-5 Discharges to the Storm Water Utility System.

- (a) Discharges Prohibited: No user or other person shall discharge any sewage, other polluted waters, or other deleterious substance from any premises within the city into or upon any public highway, street, sidewalk, alley, land, public place, stream, ditch, or other watercourse or into any cesspool, storm or private sewer, or natural water outlet, except where suitable treatment has been provided in accordance with provisions of applicable federal, state, and local laws.
- (b) Cleaning of Hard Surfaces: The owner of any paved parking lot, street or drive shall clean the pavement as necessary to prevent the buildup and discharge of pollutants. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this chapter, or other applicable federal, state, and local laws.
- (c) Material Storage: No person shall store materials including, without limitation, stockpiles used in construction and landscaping activities, in a manner which may cause discharge or threatened discharges of pollutants into the storm sewer system or receiving water.

Administration of Stormwater Regulations

The city's stormwater regulations related to construction activities (including private development and projects performed by other city departments) are administered by the city's Engineering Review staff, in the Public Works Department's Planning & Development Services workgroup.

Utility and Transportation Projects Capital improvement Projects are administered by Public Works Project Management workgroup.

Additional resources are provided by the city's Water Quality and Environmental Services workgroup, and the Keep It Clean Partnership (KICP).

For the purposes of this document Utilities and Transportation capital improvement project procedures are listed as "public" while other projects are listed as "private."

Procedures for Administering the Stormwater Regulations

The following table outlines the administration of stormwater regulations as they related to construction projects.

Procedures for Administering the Stormwater Regulations		
	<i>Public</i>	<i>Private</i>
SWMP Review	<ol style="list-style-type: none"> 1. Stormwater Management Plans will be prepared by or on behalf of the City using the “Colorado Stormwater Discharges Associated with Construction Activity General Permit Application and Stormwater Management Plan Preparation Guidance” as a guide. 2. Review of plans is performed by the city’s Project Manager or designee. 3. Projects are tracked using the city’s Project Tracking Database or other database or tracking system. 4. Projects Managers are encouraged, but not required to use the checklist presented in Appendix A: “KICP Stormwater Construction Activities Management Plan (SWMP) Review Checklist” when reviewing SWMP’s. 5. For Transportation projects receiving federal funds, the Colorado Department of Transportation’s SWMP process is required to be followed. 	<ol style="list-style-type: none"> 1. Stormwater Management Plans will be prepared by a Colorado Licensed Professional Engineer on behalf of the project applicant using the “Colorado Stormwater Discharges Associated with Construction Activity General Permit Application and Stormwater Management Plan Preparation Guidance” as a guide. 2. Plans are submitted to the city’s Planning and Development Services workgroup for review in conjunction with city review processes identified in the Boulder Revised Code, 1981 and International Building Codes. 3. Projects are tracked using the city’s permit tracking database (LandLink), or equivalent database, or tracking system. 4. The Engineer preparing the SWMP are encouraged, but not required to use the checklist provided in Appendix A: “KICP Stormwater Construction Activities Management Plan (SWMP) Review Checklist”. The checklist should be submitted along with the SWMP for review and verification by city Planning and Development Services staff.

Procedures for Administering the Stormwater Regulations

	<i>Public</i>	<i>Private</i>
SWMP Modifications	<ol style="list-style-type: none"> 1. Minor SWMP modifications will be allowed without re-review. The SWMP should be updated as necessary by the permittee, or site operator to reflect site conditions. It is expected that minor modifications will need to be made to a SWMP throughout a project to effectively address changes in site conditions. Minor modifications generally include BMP substitutions for BMPs that are equivalent in performance or more suitable to specific site conditions. 2. Major modifications to a SWMP, such as those involving re-engineering, or changes to site hydrology (e.g. changes to grading, drainage, or utility plans) will be referred to the project manager for review and verification. 3. For Transportation projects receiving federal funds, the Colorado Department of Transportation's SWMP process is required to be followed. 	<ol style="list-style-type: none"> 1. Minor SWMP modifications will be allowed without re-review. The SWMP should be updated as necessary by the permittee, or site operator to reflect site conditions. It is expected that minor modifications will need to be made to a SWMP throughout a project to effectively address changes in site conditions. Minor modifications generally include BMP substitutions for BMPs that are equivalent in performance or more suitable to specific site conditions. 2. Major modifications to a SWMP, are those involving re-engineering, or changes to site hydrology (e.g. changes to grading, drainage, or utility plans). The Engineer for the project will review the SWMP and make the modifications necessary and submit to the city's Planning and Development staff (either the ROW Inspector or the Review Engineer) for verification.

Procedures for Administering the Stormwater Regulations

	<i>Public</i>	<i>Private</i>
Construction Site Inspection	<p>1. Inspections will be performed by city Project Management staff, or by contractors on their behalf as designated in the project contract.</p> <p>2. The scope and interval of inspections will be defined in the construction contract documents. Inspections will be completed as necessary.</p> <p>3. Copies of all inspection reports performed by the contractor will be provided to the city Project Manager.</p> <p>4. City Project Management staff may accompany the inspector on periodic inspections.</p> <p>5. City Project Management staff will monitor compliance of the timing and quality of inspections completed by contractors. Project Managers must also ensure that contractors complete any follow-up activities in a timely manner, and document these activities in the inspection reports.</p> <p>6. If the contractor fails to comply with any conditions outlined in the SWMP, or reporting requirements, enforcement actions will be taken as allowed by the contract between the city and the contractor and by the Boulder Revised Code, 1981.</p> <p>Supplementary inspections may be performed by the city's Water Quality and Environmental Services workgroup if requested by Project Management staff.</p> <p>7. For Transportation projects receiving federal funds, the Colorado Department of Transportation's SWMP process is required to be followed.</p>	<p>1. Inspections will be performed by the city's Planning and Development Services workgroup staff as necessary.</p> <p>2. Additional inspections may be performed based on complaints, precipitation events, or as necessary.</p> <p>3. Staff will notify responsible party of any violation of the SWMP or Boulder Revised Code, 1981 and establish a compliance schedule.</p> <p>4. Staff will conduct follow-up inspections as necessary to ensure compliance.</p> <p>5. Failure to comply may result in enforcement actions as allowed by the boulder Revised Code, 1981, International Building Code, and any applicable permits, or agreements.</p>

Procedures for Administering the Stormwater Regulations

	<i>Public</i>	<i>Private</i>
Enforcement	<ol style="list-style-type: none"> 1. Enforcement actions may include: verbal warnings, written warnings, actions allowed under applicable construction contracts, and/or actions allowed under the Boulder Revised Code, 1981. 2. Enforcement actions are documented in the project record as applicable. 	<ol style="list-style-type: none"> 1. Enforcement actions may include: verbal warnings, written warnings, stop-work-orders, withholding of building occupancy, court summons, fines and/or other actions allowed under the Boulder Revised Code, 1981, and International Building Codes. 2. Enforcement actions are document in inspector logs and in the city's permit tracking database (Landlink), or equivalent database or tracking system as applicable.
Public Input	<ol style="list-style-type: none"> 1. Public inquiries and complaints are directed to and investigated by the applicable Project Management staff or their designee. 2. Resulting enforcement actions are documented in the project record as applicable. 	<ol style="list-style-type: none"> 1. Public inquires are directed to and investigated by the Planning and Development Services workgroup. 2. Resulting enforcement actions are documented in the city's permit tracking database (Landlink) or equivalent database or tracking system as applicable.

Training and Education

Construction erosion and sediment control training, education, and certification is available to all city of Boulder employees responsible for erosion control inspection. In addition, city inspectors determine if the permitted site has a certified individual performing the on-site inspections.

The Keep It Clean Partnership maintains a list of qualifying certification programs.