



Delaware Sediment & Stormwater Regulations

DNREC Enforcement Procedures



What a CCR needs to know about Enforcement

- You are not responsible for enforcement
- You can assist an owner to be in compliance through education
- Communicate any non-compliances to a
or owner's representative



Local Enforcement Options Delegated Agencies

- Notice of Non-Compliance
- Withhold building permits / certificates of occupancy
- Referral to DNREC

DNREC Enforcement Options

- Notice to Comply / Notice of Violation
- Criminal penalties
 - Chapter 40 sediment and stormwater
 - Chapter 60 environmental control
- Civil / Administrative penalties
 - Chapter 60 environmental control
- EPA



Common NPDES Permit Violations

- Approved plan not on site
- Failure to review the site weekly (through CCR reviews or log entries)
- Weekly construction review reports not on site

Sediment & Stormwater Violations

Land Disturbing Activity - No Approved Plan



Sediment & Stormwater Violations

Not in Sequence with Plan Phasing



Sediment & Stormwater Violations

Failure to Comply with Conditions of the Plan



Sediment & Stormwater Violations

Failure to comply
with the Construction
Review report

Your Company Information/Logo
**Construction Site Stormwater Management
Review Report**

Date: 10 March 2010 Time Arrived: 9:45 am
Time Left: 11:10 am

Project / Site Name: Sweetbriar High School 2009-001
NOI # 6393 (<http://apps.dnrec.state.de.us/noi/searchNoi.aspx>) Plan Expiration Date 1 / 4 / 2012
Owner/Developer: Developer Associates, LLC
New Owner? Yes No (if yes, contact approval agency)
Location: 1500 Sweetbriar Road, Middletown DE 19709
Weather Conditions: Sunny and Cold
Site Status (Active / Inactive / Completed): Active
Date of Last Site Review: 27 February 2010
Site Compliance: Compliance Non-Compliance
[N/A] Not Applicable
[S] Satisfactory
[U] Unsatisfactory (include written comments)

1. Stabilized Construction Entrance (SCE)	<u>U</u>
2. Earth Berms/Dikes/Swales	<u>NA</u>
3. Inlet Protection	<u>U</u>
4. Vegetative Stabilization	<u>U</u>
5. Stormwater Management Facilities	<u> </u> (Attach completed pond construction checklist)
6. Silt Fence	<u>S</u>
7. Sediment Traps/Basins	<u>U</u>
8. Outlet Protection	<u>S</u>
9. Stone Check Dams	<u>NA</u>
10. Pollution Prevention	<u>S</u>

Written Comments:

1. Stabilized Construction Entrance:
 - a. The stabilized construction entrance is laden with sediment and there is tracking out onto the roadway. [Corrective Action] Rough the existing stone to loosen the sediment and refresh the entrance with more DE #3 stone. Sweep the sediment off the roadway and return the sediment to the site. Maintain the roadway with regular street sweeping.
2. Earth Berms/Dikes/Swales: No issues

Sediment & Stormwater Violations

Poor or No Stabilization



Sediment & Stormwater Violations

Pollution Prevention



Sediment & Stormwater Violations

Pumping without a Dirt Bag



Example Case: Enforcement Site – Dover, Delaware





















Enforcement Action

- DNREC issued a Cease & Desist Order
- DNREC Administrative Penalty - \$60,000
2008 issued for violations of the approved plan and discharge of sediment to a water body
- EPA Civil Penalty - \$120,000
2008 issued for violations of the Clean Water Act

Avoid Enforcement Actions

- Accurate, weekly CCR reports with required signatures
- Communicate site observations/construction review report with site superintendent/foreman/project manager
- Assistance from and communication with the delegated agency

Questions ?

