

6.0 Construction Review of Sediment and Stormwater Management Plan

6.1 Owner Responsibilities

- 6.1.1 The Owner shall ensure that all elements of the approved Sediment and Stormwater Management Plan are implemented and construction site stormwater management BMPs and post construction stormwater management systems are installed and maintained in accordance with that plan. All construction sites shall comply with these regulations.
- ~~6.1.2 The Owner may refer to the specifications contained in the Handbook or take functionally equivalent measures to install and maintain construction site stormwater management BMPs in accordance with the approved plan.~~
- ~~6.1.36.1.2~~ 6.1.2 The Owner shall comply with the requirements contained in Chapter 60 of Title 7 of the Delaware Code Section 9.1.02 of Delaware's Regulations Governing the Control of Water Pollution, ~~7 DE Admin. Code 7204~~, including the current Delaware Construction General Permit (CGP).
- ~~6.1.3.16.1.2.1~~ 6.1.2.1 The Owner or Owner's representative shall maintain the approved Sediment and Stormwater Management Plan at the construction site.
- ~~6.1.3.16.1.2.2~~ 6.1.2.2 The Owner or Owner's representative shall conduct weekly construction reviews of the construction site stormwater management BMPs and post construction stormwater management systems.
- ~~6.1.3.26.1.2.3~~ 6.1.2.3 The Owner or Owner's representative shall conduct construction reviews of the construction site stormwater management BMPs and post construction stormwater management systems following rainfall events producing runoff.
- ~~6.1.3.36.1.2.4~~ 6.1.2.4 The Owner or Owner's representative shall maintain written records at the construction site of all construction reviews at the construction site.
- ~~6.1.3.4~~ 6.1.3.4 ~~The Owner or Owner's representative shall maintain the approved Sediment and Stormwater Management Plan at the construction site.~~
- ~~6.1.46.1.3~~ 6.1.3 The Department or Delegated Agency shall have the authority to require revisions to the approved Sediment and Stormwater Management Plan. The Owner is responsible for implementation of plan revisions when deficiencies are noted on the site by the Department or Delegated Agency construction reviewer.
- ~~6.1.56.1.4~~ 6.1.4 The Owner shall certify to the Department or Delegated Agency that responsible personnel involved in the construction project have successfully completed the Contractor Training Program before initiation of a land disturbing activity. Responsible personnel shall implement the Sediment and Stormwater Management Plan fully through daily oversight of the construction site and guidance of construction personnel while a land disturbing activity is taking place.
- ~~6.1.5~~ 6.1.5 For projects developing 20 acres or greater, and including those projects that require discharge monitoring for the maximum daily discharge limitation under Federal requirements, when directed by the Department or Delegated Agency, the Owner shall acquire the services of a third party Certified Construction Reviewer to perform weekly construction reviews of the approved Sediment and Stormwater Management Plan elements as well as construction reviews of installation of stormwater management systems. Any project, regardless of its size, may be required by the Department or Delegated Agency, to have a Certified Construction Reviewer on a case-by-case basis. Sediment and Stormwater Management Plans approved by the Department shall have a Certified Construction Reviewer. The Department or Delegated Agency may, at its discretion and following a written request, modify Certified Construction Reviewer reporting frequency for a particular site if site conditions warrant.
- 6.1.6 Sediment and Stormwater Management Plans approved by the Department shall

have a Certified Construction Reviewer.

6.1.7 All costs and fees associated with the use of Certified Construction Reviewers shall be the responsibility of the Owner.

~~6.1.8 The Certified Construction Reviewer shall be responsible for reviewing construction activities and reporting on the adequacy of construction in accordance with the approved Sediment and Stormwater Management Plan, in addition to the following items:~~

~~6.1.8.1 Provision of a construction review on at least a weekly basis until released from review responsibility by the Department or Delegated Agency. The Department or Delegated Agency may, at its discretion and following a written request, modify Certified Construction Reviewer reporting frequency for a particular site if site conditions warrant.;~~

~~6.1.8.2 Provision of a construction review of stormwater management system construction at a frequency as needed to accurately complete the stormwater BMP construction checklist.~~

~~6.1.8.3 Inform the Department or Delegated Agency, the Owner, and the contractor, by a written construction review report of site conditions including any inconsistencies with or inadequacies of the approved plan within five calendar days of the construction review.~~

~~6.1.8.4 Referral of the project through the Delegated Agency to the Department for appropriate enforcement action if the Owner fails to address the items contained in the written construction review report. Verbal notice shall be made to the Department within two calendar days and written notice shall be provided to the Department within five calendar days.~~

~~6.1.96.1.8~~ The Owner shall notify the Department or Delegated Agency any time a new Certified Construction Reviewer begins providing construction review for the site. Prior to

~~6.1.106.1.9~~ Upon written notice by the Department, Delegated Agency, or Certified Construction Reviewer, any portion of the work which does not comply with the approved Sediment and Stormwater Management Plan or these regulations shall be corrected by the Owner within the time period specified in the written notice.

6.2 Contractor Training ~~Program~~ Requirements

6.2.1 A certificate of attendance shall be issued to Responsible Personnel who have attended and successfully completed the Contractor Training Program sponsored or approved by the Department.

6.2.2 Contractor Training shall be required of a foreperson or superintendent who is in charge of on-site clearing and land disturbing activities for construction projects subject to the requirements of these regulations.

6.2.3 The Contractor Training Program certification shall be valid until the Department notifies the individual or announces in local newspapers that additional training is required due to a change in course content.

6.2.4 The Department shall provide public notification of the date and location of training programs for attendance by responsible personnel and other interested persons.

6.2.5 Enrollment of existing and future responsible personnel is the responsibility of individuals or their employers.

6.2.6 Responsible personnel shall, during active land disturbance, provide daily oversight for site compliance with Chapters 40 and 60 of Title 7 and these regulations.

6.2.7 Responsible personnel shall attend the pre-construction meeting.

6.3 Certified Construction Reviewer Requirements

6.3.1 The Certified Construction Reviewer shall be responsible for reviewing construction

activities and reporting on the adequacy of construction in accordance with the approved Sediment and Stormwater Management Plan, in addition to the following items:

- 6.3.1.1 Provision of a construction review on at least a weekly basis until released from review responsibility by the Department or Delegated Agency.
 - 6.3.1.2 The Department or Delegated Agency may, at its discretion and following a written request, modify Certified Construction Reviewer reporting frequency for a particular site if site conditions warrant.
 - 6.3.1.3 Provision of a construction review of stormwater management system construction at a frequency as needed to accurately complete the stormwater BMP construction checklist.
 - 6.3.1.4 Inform the Department or Delegated Agency, the Owner, and the contractor, by a written construction review report of site conditions including any inconsistencies with or inadequacies of the approved plan within five calendar days of the construction review.
 - 6.3.1.5 Referral of the project through the Delegated Agency to the Department for appropriate enforcement action if the Owner fails to address the items contained in the written construction review report. Verbal notice shall be made to the Department within two calendar days and written notice shall be provided to the Department within five calendar days.
 - 6.3.1.6 Prior to the CCR halting reporting activities the CCR must contact the Department or Delegated Agency.
- 6.3.1.1—The Certified Construction Reviewer shall function under the direction of a registered professional engineer (P.E.) licensed to practice engineering in the State of Delaware. The following applies to the P.E.'s responsibilities:
- 6.3.2
 - 6.3.2.1 The P.E. shall be responsible for overseeing and verifying the accuracy of the CCR review.
 - 6.3.2.2 The P.E. shall be responsible for maintaining an ongoing knowledge of the site conditions through periodic site visits or discussions with the CCR.
 - 6.3.2.3 The P.E. shall sign the CCR reports. The P.E. shall only sign CCR reports that were prepared under their direct supervision for sites where the P.E has knowledge of the site conditions.
 - 6.3.3 Certified Construction Reviewers shall attend and successfully complete the Departmental sponsored or approved Certified Construction Reviewer course. The Certified Construction Reviewer shall be responsible for reviewing construction activities and reporting on the adequacy of construction in accordance with the approved Sediment and Stormwater Management Plan, these regulations, and training received in the Certified Construction Reviewer training course.
 - ~~6.3.26~~6.3.4 Certification as a CCR shall be valid for five years. Recertification may extend certification for an additional five years.
 - ~~6.3.36~~6.3.5 A Certified Construction Reviewer who is not performing the duties prescribed by Section 6.4-83 of these regulations may be referred by the local Delegated Agency to the Department for action by providing written notification to the Department and supporting documentation.
 - 6.3.6 In a situation where a Certified Construction Reviewer's certification is being suspended or revoked, an opportunity for hearing before the Secretary or his designee shall be provided. During a suspension, the Certified Construction Reviewer shall not be allowed to provide construction reviews in accordance with these regulations on any construction sites within the state.
- 6.4 Department or Delegated Agency Construction Reviews

- 6.4.1 The Department or Delegated Agency may, at a reasonable time, visit a site subject to these regulations to determine compliance with these regulations, including implementation of the Sediment and Stormwater Management Plan.
 - 6.4.2 The Department or Delegated Agency shall conduct regular reviews of the construction site at a frequency to ensure that all elements of the approved Sediment and Stormwater Management Plan are implemented and all construction site stormwater management BMPs and post construction stormwater management systems are installed and maintained in accordance with that plan.
 - 6.4.3 All Department or Delegated Agency construction reviews shall be documented in writing with a copy provided to the Owner. The review report shall document site conditions relevant to the Sediment and Stormwater Management Plan, identify deficiencies that warrant correction, and provide a time period for the Owner to ~~take~~ complete corrective action.
 - 6.4.4 When the Department or Delegated Agency determines a deficiency in the approved Sediment and Stormwater Management Plan, a revision to the approved plans may be required. A change to the approved Sediment and Stormwater Management Plan shall be approved by the Department or Delegated Agency before construction.
- 6.5 Required Construction Reviews and Notification Steps
- 6.5.1 The Owner shall notify the Department or Delegated Agency in writing at least five calendar days before the initiation of construction. The notification shall include the contact information for the responsible person. The notification shall verify that the Sediment and Stormwater Management Plan for the project has been approved and that permit coverage for Storm Water Discharges Associated with Construction Activity has been gained through submittal of a Notice of Intent to the Department. If there is a Certified Construction Reviewer requirement for the site, the application for Certified Construction Reviewer shall be included with the notification.
 - 6.5.2 A pre-construction meeting shall be required. The pre-construction meeting shall be held on site, unless another location is approved by the Department or Delegated Agency on a case-by-case basis. The required attendees for a pre-construction meeting are the owner or owner's representative, the site project manager, site contractor, Certified Construction Reviewer (if required), the Responsible Person, and the Department or Delegated Agency representative.
 - 6.5.3 The Department or Delegated Agency shall determine when Standard Plan applications require a pre- construction meeting and construction reviews based on the project type and land disturbance on a case- by-case basis.
 - 6.5.4 Upon completion of installation of perimeter controls, the Department or Delegated Agency shall conduct a perimeter control review before commencement of bulk grading or other construction activities on the site.
 - 6.5.5 All stormwater management systems shall be reviewed during construction with enough frequency to document that the system has been constructed in accordance with the approved Sediment and Stormwater Management Plan, the design specifications, and the appropriate stormwater management system construction checklist. The Owner shall provide adequate notice to the Department or Delegated Agency and Certified Construction Reviewer, if applicable, before initiating construction of stormwater management systems. The Department, Delegated Agency, or Certified Construction Reviewer shall be responsible for conducting and documenting these reviews, as required. Photographic documentation of construction of the stormwater management system is required.
 - 6.5.6 Upon project completion a final construction review shall be conducted and a final review report shall be completed by the Department or Delegated Agency to ensure compliance with the approved Sediment and Stormwater Management

Plan. The Department or Delegated Agency shall issue a Notice of Completion for a project when all of the following criteria have been met:

- 6.5.6.1 All items and conditions of the approved Sediment and Stormwater Management Plan have been satisfied.
- 6.5.6.2 Post construction verification documents demonstrate that the stormwater management systems have been constructed in accordance with the approved Sediment and Stormwater Management Plan and accepted by the approving agency.
- 6.5.6.3 Operation and Maintenance Plan has been approved by the Department or Delegated Agency.
- 6.5.6.4 Final stabilization of disturbed areas on the site has been achieved.
- 6.5.6.5 A copy of the approved Record Plan showing easements or maintenance notes associated with the approved Sediment and Stormwater Management Plan has been submitted to the Department or Delegated Agency.