

SUSSEX CONSERVATION DISTRICT

Sediment and Stormwater

Certified Construction Reviewer Policy

The following policy has been prepared to assist the Certified Construction Reviewer (CCR), landowners, land developers, contractors, and engineers in understanding the responsibilities regarding the implementation of the CCR Program in Sussex County. This document should be used in conjunction with section 12 of the Delaware Sediment and Stormwater Regulations.

The Sussex Conservation District (SCD) will require a CCR to report on all activities related to the approved Sediment and Stormwater Plan for the **designated** land development projects listed below. This requirement will become effective for all **affected** land development plans submitted to SCD, *December 1, 2003*. A request for a waiver of the CCR requirement must be submitted to the SCD in writing by the owner/developer. The decision to waive the requirement will be made by the SCD Sediment and Stormwater Program Manager, with appeal provisions to the SCD Board of Supervisors. Any contest to the requirement of the CCR provision must be reconciled prior to the project pre-construction meeting. During construction, the Sussex Conservation District reserves the right to suspend CCR responsibilities when they deem appropriate. This request to suspend CCR activities must be submitted to the SCD in writing.

COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL CCR **REQUIREMENTS**

A CCR will be required for Sediment and Stormwater review on all commercial, industrial and institutional land development projects for which an approved Sediment and Stormwater Plan is required by SCD unless waived, which meet the following conditions:

- When the disturbed area of the project is 2 acres or greater.
- When deemed necessary by the SCD.

A CCR will be responsible for submitting a weekly written report to the SCD Sediment and Stormwater Program Manager during the following stages of construction:

- Pre-construction Meeting (no written report necessary)
- Clearing and grubbing of the site area
- Installation of the perimeter controls (SCD will be notified at the completion of this stage)
- Installation of the stormwater management facility and completion of a stormwater construction checklist
- Construction of major infrastructure (stormdrain, sewer, roadways, utilities) and completion of site work to rough grade.
- Temporary stabilization of site areas not currently being graded (At this point, the frequency of the required inspections may be reduced through approval of SCD until site grading resumes. This approval must be requested by the owner/developer in writing).
- Final grading and stabilization, conversion of sediment basin to permanent SWM pond, and final site inspection. Final site inspection will be arranged with SCD prior to a request for certificate of occupancy.

RESIDENTIAL CCR REQUIREMENTS

A CCR will be required for Sediment and Stormwater review on all residential land development projects for which an approved Sediment and Stormwater Plan is required by SCD unless waived, which meet the following conditions:

- Total site area of the record plan is 20 acres or greater and the site will be mass or bulk graded including lot disturbance.
- When deemed necessary by the SCD.

For residential land development projects meeting the above conditions, the CCR will be responsible for submitting a weekly written report to SCD during the following stages of construction:

- Pre-construction Meeting (no written report necessary, but attendance is required)
- Clearing and Grubbing of the site area
- Installation of the perimeter controls (SCD will be notified at the completion of this stage)
- Installation of the stormwater management facility and completion of a stormwater construction checklist
- Construction of major infrastructure (stormdrain, sewer, roadways, utilities) and completion of site earthwork to rough grade.
- Temporary stabilization of site areas not currently being graded (At this point, the frequency of the required inspections may be reduced through approval of SCD until site grading resumes. This approval must be requested by the owner/developer in writing).
- SCD will assume inspection for the individual home construction including final lot stabilization prior to certificate of occupancy.
- Final site and road grading and stabilization, conversion of sediment basin to permanent SWM pond, and final site inspection will be inspected by the CCR. Final site inspection will be arranged with SCD.

In addition, Section 12, paragraph 2 of the Delaware Sediment and Stormwater Regulations states that SCD “may require that any project, already under construction, have on site a certified construction reviewer if on that project, significant sediment control or stormwater management problems necessitate more frequent inspections”.

ENVIRONMENTALLY SENSITIVE AREAS CCR REQUIREMENTS

The Sussex County Council, in the latest update of the Sussex County Comprehensive Land Use Plan in 2002, designated lands within Sussex County that are considered environmentally sensitive. Many of these areas are considered prime location for development. In order to protect the environmentally sensitive areas during development the Sussex County Council has placed additional design requirements that must be addressed for development. In order to be consistent with the policies of Sussex County and to ensure the continued protection of the Environmentally Sensitive Development District during construction, the Sussex Conservation District recognizes the importance of proper inspection and construction review for projects lying within this District.

Therefore, all projects, residential, commercial, and industrial lying within the Environmentally Sensitive Development District would require a Certified Construction Reviewer on site during all land forming, shaping and construction of stormwater management facilities, until stabilization of the site has occurred. The purpose is to insure that no soil materials leave the site during land disturbing activities. The CCR will be responsible for submitting a weekly written report to SCD during the following stages of construction:

- Pre-construction Meeting (no written report necessary, but attendance is required)
- Clearing and Grubbing of the site area
- Installation of the perimeter controls (SCD will be notified at the completion of this stage)
- Installation of the stormwater management facility and completion of a stormwater construction checklist
- Construction of major infrastructure (storm drain, sewer, roadways, utilities) and completion of site earthwork to rough grade.
- Temporary stabilization of site areas not currently being graded (At this point, the frequency of the required inspections may be reduced through approval of SCD until site grading resumes. This approval must be requested by the owner/developer in writing).
- SCD will assume inspection for the individual home construction including final lot stabilization prior to certificate of occupancy.
- Final site and road grading and stabilization, conversion of sediment basin to permanent SWM pond, and final site inspection will be inspected by the CCR. Final site inspection will be arranged with SCD.

Certified Construction Reviewer (CCR) Responsibilities

1. The CCR must be certified by the Department of Natural Resources and Environmental Control (DNREC) and possess a current, valid certification. This certification is valid for 5 years, after which re-certification is required. Contact DNREC's Sediment and Stormwater Program Manager at (302) 739-4411 for information about certification or re-certification. After verification of certification, the CCR must complete his/her portion of the CCR application and sign the Certified Construction Reviewer's Certification on the application.
2. The CCR must review and become familiar with the relevant parts of the approved plan. Any questions or issues raised during this review should be discussed with the contractor, consultant or SCD, as appropriate, prior to the start of construction. The CCR should attend the SCD pre-construction meeting and be prepared to discuss the plan and any questions or concerns he or she may have.
3. The CCR must perform, at minimum, **weekly** sediment and stormwater (S&S) inspections of the site in accordance with the approved plan, this policy and the Delaware Erosion and Sediment Control Handbook. *During periods of active disturbance or when other noteworthy events occur*, weekly reports shall be prepared that accurately and honestly reflect the conditions of the site and its compliance with the plans, specifications and regulations. *During periods when no active disturbance is occurring at the site, reports may be submitted on a monthly basis with the approval of the Sussex Conservation District.* The report must be reviewed and signed by *his/her* responsible Professional Engineer. Copies of these weekly reports shall be sent (within 5 calendar days of the inspection) to the site contractor, the owner/developer, and the SCD (Attn: Sediment and Stormwater Program Manager, 23818 Shortly Road, Georgetown, DE 19947). These reports can also be faxed to SCD at (302) 856-0951. **If a potential environmental impact or safety issue is observed, SCD must be notified within 24 hours.**
4. The CCR must monitor and report on all stages of the stormwater management facility construction using applicable checklists. The CCR must be present on site and observe all stormwater management checklist items. The CCR is responsible for accurately reporting what they observe and should alert the contractor immediately to any problems or discrepancies. The report must reflect any problems that develop in the field and how they are addressed.
5. The CCR is responsible for performing all required inspections specified in the stormwater checklist or as discussed at the pre-construction meeting. The CCR should be familiar with all items on the checklist and competent to perform the required inspections. If the CCR is not able to complete certain items on the checklist, they should notify the owner/developer before the job begins (preferably at or before the pre-construction meeting). The owner/developer is still responsible for making sure these items are completed and properly inspected by a qualified CCR or Professional Engineer."

Certified Construction Reviewer (CCR) Responsibilities (continued)

6. The CCR is responsible for notifying the owner/developer, contractor, and SCD of any problems or deficiencies on the site. If a control practice has failed, a design change may be needed. An important role of the CCR is to work with the contractor, design engineer, and SCD to facilitate such a change, if necessary. Problems that relate to inadequacies in the approved plan must be referred to SCD, who will either work with the CCR and contractor on field modifications or require a revised plan from the design engineer.
7. The CCR is responsible for contacting SCD if they are having difficulty with compliance or communication with the owner and/or contractor. SCD will first attempt to resolve any outstanding issues, but if further enforcement action is necessary, sites will be referred to DNREC through SCD.
8. All CCR reports are expected to be honest and accurate. Auditing of CCR performance will be done and CCR certification can be revoked.

Owner/Developer Responsibilities

1. The owner/developer of a site is responsible for ensuring that all work done on site is done in accordance with the approved plans, the Delaware Sediment and Stormwater Regulations, and the Delaware Erosion and Sediment Control Handbook. It is the owner/developer's responsibility to ensure that all employees and contractors are clearly directed to comply with all appropriate plans and regulations.
2. The owner/developer is responsible for providing a CCR on those sites that are required to have one, in accordance with the Delaware Sediment and Stormwater Regulations and SCD policy. After selecting a CCR for their site, the owner/developer must complete his/her portion of the CCR application and sign the Owner/Developer's Certification on the application.
3. The owner/developer is responsible for directing the site contractor to cooperate and comply with the directions of the CCR and SCD inspector. Any items requiring maintenance or correction on the weekly CCR reports should be corrected as soon as possible.
4. The owner/developer is responsible for ensuring that there is a CCR reporting on the site weekly until the construction has reached a stage of completion as identified earlier in this policy, a request for suspension of CCR inspection requirement is approved, or a final inspection has been held. If a CCR is not performing adequately or ceases to work on that site for some reason, a new CCR must be retained immediately and SCD must be notified of the change of personnel. Any change will require the approval of a new SCD CCR application.

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5. The owner/developer is responsible for having compaction testing done by a qualified geotechnical professional for all constructed embankments of any stormwater management facilities.
6. The owner/developer must understand that the CCR is required to notify SCD if the site is not in compliance and/or the contractor is not responding to the punchlist items. The CCR could lose his/her certification if he/she does not perform his/her duties in accordance with the regulations.
7. If suspension of the CCR inspection is requested, the Owner must submit this request to SCD in writing.

Site Contractor Responsibilities

1. The contractor is responsible for performing all site work in accordance with the approved plans, the Delaware Sediment and Stormwater Regulations, and the latest version of the Delaware Erosion and Sediment Control Handbook.
2. The contractor is responsible for maintaining close communication with the CCR and the SCD inspector for all required inspections. The contractor should keep the CCR informed of the work progress and should contact the SCD and the CCR at least 48 hours prior to work on all required inspection items. The contractor is also required to contact SCD and the CCR at least 48 hours before beginning any site work.
3. No work on a stormwater management facility shall proceed until the CCR inspects and approves the work previously completed unless prior approval has been granted by SCD. If work proceeds without the CCR being present, without prior approval, SCD and/or DNREC reserve the right to require disassembly and reconstruction of the completed works at the owner's expense.
4. The contractor is responsible for installing and maintaining, in a timely manner, all sediment and stormwater controls as necessary in accordance with the approved plans and the Delaware Erosion and Sediment Control Handbook. The contractor is responsible for cooperating with the CCR and/or the SCD inspector when corrective action is required on site. The contractor is responsible for installing all stormwater management facilities in accordance with the approved plans. They are also responsible for bringing any problems that develop in the course of these installations to the immediate attention of the design engineer, CCR, SCD and the developer.
5. Any change or deviations in the field implementation of the approved plan must be reviewed and approved by SCD prior to installation. If necessary, the proposed change will be directed through the design and review process. This decision will be at the discretion of SCD.
6. The contractor must also ensure that the individual on-site responsible for daily implementation of the Sediment and Stormwater plan has completed the Contractors Certification Course. Contact DNREC's Sediment and Stormwater Program Manager at (302) 739-4411 for information on this program.

Professional Engineer's (P.E.) Responsibilities

1. The P.E. must be registered and licensed in the State of Delaware. After verification of qualifications, and selection, the P.E. must complete his/her portion of the CCR application and sign the Professional Engineer's Certification on the application.
2. The P.E.'s primary responsibility is reviewing, verifying the accuracy of, and signing the weekly CCR reports and The P.E. is available to assist the CCR with any questions that may arise in the course of their inspections.

Sussex Conservation District Responsibilities

1. SCD is responsible for review and approval of the Sediment and Stormwater plans in accordance with the Delaware Sediment and Stormwater Regulations and the Delaware Erosion and Sediment Control Handbook.
2. SCD is responsible for reviewing the CCR application and approving or disapproving it within 3 days. If the application is disapproved, written justification for the disapproval will be provided.
3. At the owner/developer's request, SCD is responsible for coordination of the pre-construction meeting and the issuance of minutes to all parties in attendance. The purpose of this meeting is to provide an opportunity for all the parties (owner, contractors, design and review engineers, CCR's, inspectors, etc.) to get together to discuss any plan-related issues prior to the start of work. Any concerns about plan implementation or general procedures should be raised and resolved at this meeting.
4. SCD is responsible to conduct an inspection with the CCR of the perimeter controls once site work begins on all sites. After the perimeter control inspection, S&S inspection will be the primary responsibility of the CCR except for periodic checks by the SCD inspector. The SCD inspector must be notified 48 hours prior to all required inspections, as discussed at the pre-construction meeting.
5. SCD will periodically monitor sites under CCR responsibility. SCD will track and verify a sample of CCR inspection reports to determine accuracy in the field. Any correspondence generated by SCD on a site being inspected by a CCR will be copied to all necessary parties.
6. When a site is found to be in violation by the CCR, SCD will become involved to attempt to resolve all outstanding issues. If necessary, SCD will refer the site to DNREC for enforcement.
7. SCD will notify the CCR if his/her performance does not comply with the requirements of the CCR Program. If the CCR's performance does not improve within a reasonable period of time, the CCR may be referred to DNREC to begin the suspension and/or revocation process.

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8. SCD will review requests to discontinue CCR inspections and approve or deny those requests within 5 working days. The time/events at which CCR inspections must resume will be specified by SCD at the time of the suspension approval.

Department of Natural Resources and Environmental Control Responsibilities

1. DNREC is responsible for certification of the CCR's through the Certified Construction Reviewer course. Contact DNREC's Sediment and Stormwater Program Manager at (302) 739-4411 for information on this program.
2. DNREC is also responsible for providing general education for the contractors and developers through the Contractor Certification Program. Contact DNREC's Sediment and Stormwater Program Manager at (302) 739-4411 for information on this program.
3. DNREC is responsible for enforcement of site compliance on sites referred by the CCR through SCD.

This policy is hereby declared effective on December 1, 2003