

Top 10 SWPPP COMPLIANCE ISSUES

DON'T LET THESE AFFECT YOU



CONSTRUCTION
ECO
SERVICES



SOME THINGS NEVER CHANGE

With a dozen years of experience providing turn-key SWPPP Compliance Services on thousands of projects, large and small, Construction EcoServices has learned the most important issues Operators of Construction Projects need to be concerned with regarding storm water discharge regulations on a federal, state and local level.



KNOW YOUR OBLIGATIONS

If disturbing an area greater than 5 Acres, you'll need the following:

Stormwater Pollution Prevention Narrative Plan

The 'SWPPP' is a fundamental element to construction stormwater permits. This is a 'project specific' plan, describing how you will reduce pollutants discharged from your site during rain events.

State (fees) and local filings (no fees)

A Permit is submitted and a fee is paid to the Texas Commission on Environmental Quality to discharge runoff from a construction site. Local filings are also required.

Inspections and updates

Regular inspections must be conducted to document compliance (or, lack thereof) and The Texas Construction General Permit requires that the SWPPP be a 'living' document, therefore it is critical that the Plan be updated as conditions change.

Postings and Best Management Practices

Permit documents must be posted prominently at the job site entrance. BMPs (i.e. Silt Fence, Inlet Protection) must be installed where needed.

If disturbing ≥ 1 Acre and < 5 Acres

You'll need to do all the same things required on a large site, but you won't need the TCEQ State Permit

SWPPP Narrative, Inspections, and updates

Local filings (no fees)

Postings and BMPs

If disturbing less than 1 Acre

You will still need to meet the intent of the State permit by preventing silt, sediment and other pollutants from entering a storm drain or conveyance of water, but the SWPPP Narrative, Postings and regulatory Filings and Inspections are not required.

BMPs only



Understand The “GOTCHAS”

“...LARGER PLAN OF COMMON DEVELOPMENT”

Small site becomes a large site – When out-parcels are platted sharing common streets, or utilities, or a project is developed in phases, each site within the common area may be viewed as the large site and permitted as such. A good example of this would be a ‘Town Center’ with several large retailers and multiple small parcels for future sale and development.

(SWQMP)



(SWPPP)

Stormwater Quality Management Plan

The SWQMP is the plan describing the design and operation of permanent stormwater quality systems (i.e. water quality ponds, ‘end-of-pipe’ water treatment systems). These systems are permanent and require permitting and annual maintenance. The SWQMP is the owner’s responsibility. SWQMP features are permanent.

Stormwater Pollution Prevention Plan

The SWPPP is the plan to be executed and updated during construction to maintain compliance with laws governing stormwater discharge during the construction phase. SWPPP is temporary and is complete upon stabilization at completion of construction.



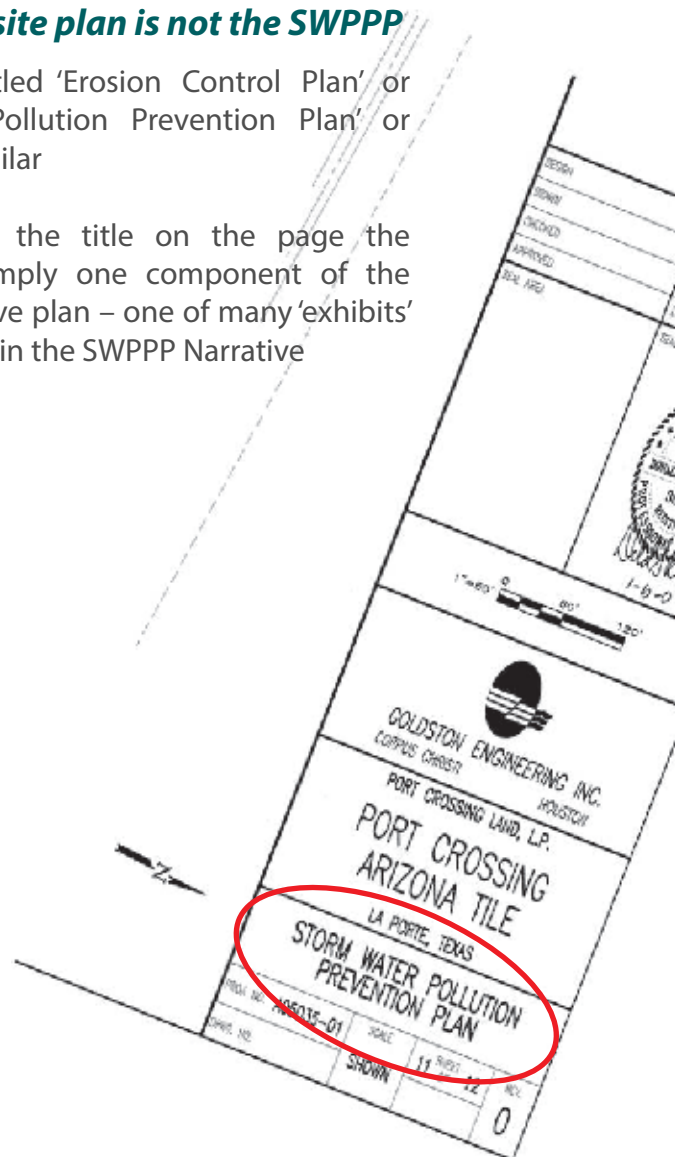
IT'S NOT A DRAWING

“THE DRAWING
IS SIMPLY ONE COMPONENT
OF THE SWPPP”

The SWPPP site plan is not the SWPPP

It may be titled ‘Erosion Control Plan’ or ‘Stormwater Pollution Prevention Plan’ or something similar

Regardless of the title on the page the drawing is simply one component of the SWPPP narrative plan – one of many ‘exhibits’ required to be in the SWPPP Narrative





CHANGE IT IF NEEDED

The SWPPP is not sacred

BMP selection and location are up to the Operator under Texas Construction General Permit

The only requirement is to implement what's needed to meet the regulatory obligation

Revising the plan to fit actual site needs almost always lowers cost of compliance

Eliminate waste – In many cases, perimeter BMPs indicated on the SWPPP Site Plan may not be required if there is a sufficient buffer area between disturbed areas and any conveyance of water, or if the flow is back onto the site.





PAY ATTENTION

Selecting the right BMPs can drive down total cost of compliance

Paying attention to BMP selection and installation is as important as paying attention to other aspects of the project

GET YOUR MONEY'S WORTH FROM SUBCONTRACTORS

Lowering the maintenance requirement is key

But there are no 'maintenance-free' BMPs – Maintaining BMPs keeps you out of trouble and lowers costs

Question "the way we've always done it"

Innovation and evolution of BMPs usually provide a better solution with lower maintenance requirement and lower costs



Silt fence doing its job holding back sediment laden water in a disturbed area.



Looks like more frequent maintenance is called for.



Is this contractor taking his SWPPP obligations seriously?



Do site workers defeat Inlet protection to relieve flooding? Flood, purge, replace...Replace?



MOST IMPORTANT BMPs

1. STABILIZED CONSTRUCTION EXIT

It's the first thing the enforcement officer sees

Highly visible, usually located near a public roadway

Most likely to generate a complaint

Public traffic does not appreciate navigating through muddy, hazardous streets. Crushed concrete surface is intended to dis-lodge mud and dirt by flexing tire treads.

TYPICAL SPECIFICATION

25 FEET WIDE X 50 FEET LONG

3" X 5" CRUSHED CONCRETE

8" DEEP OVER HEAVY UNDERLAYMENT FABRIC



Not what you want the Public, or a Compliance Officer to see...



Stabilized Construction Exit.



Truck wash at construction exit provides best solution.

MOST IMPORTANT BMPs

2. CONCRETE WASH OUT

New permit raises requirements

Rinsate from concrete truck washing contains contaminants harmful to living creatures - must not be allowed to go to the ground.

Containerized solutions

Specialized containers for this purpose, or lined roll-off bins work best. Non compliance brings immediate fine or lawsuit.

A WATER TIGHT
CONTAINER IS THE
BEST SOLUTION



These are not acceptable circumstances to the enforcement community



MOST IMPORTANT BMPs

3. DEWATERING SOLUTION

Direct discharge of polluted water is a clean water act violation

When dewatering a jobsite, care must be taken to do so responsibly. Such discharge is taken very seriously by Enforcement Officials.

Direct discharges are typically very visible

Very easy for Enforcement or the public to recognize and take action against the Operator

THE OPTIONS

Dewatering Settlement Basin

Portable Sediment Tank or Dewatering System

Settlement Sump Pit

Dewatering Bag

Multiple Down Slope Flow Control BMPs



Dewatering Bag on hay bale platform



Discharge hose directly in storm drain



Highly visible sediment laden water in creek bed

MOST IMPORTANT BMPs

4. SIGNAGE

First thing the enforcement officer looks for

Required to encourage the “Whistle Blower Act”
Any citizen has the right to determine who the operator is and report problems to enforcement.

Located at the construction exit for convenient viewing.

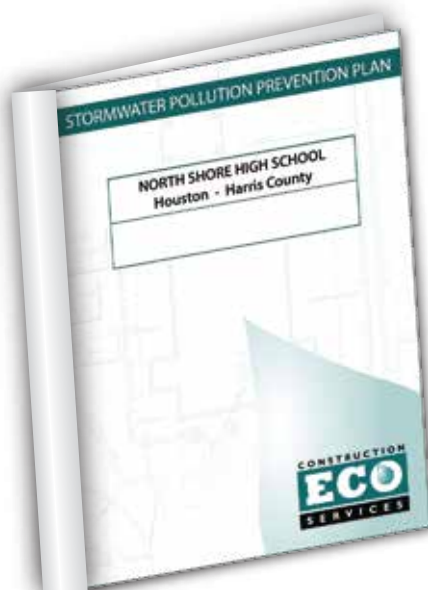


5. THE PAPERWORK

Potentially The Richest Source Of Violations

The easiest thing to enforce; the Enforcement Officer can leisurely go through the SWPPP Narrative in the construction site office.

There are many required elements of a proper SWPPP including the narrative, updates, amendments, and inspection reports.





STABILIZATION

IS YOUR FRIEND

Lower costs by protecting your excavation investment during construction

Old methods raise costs and put client relationships in jeopardy - Hydro mulch seed on pond slopes is very likely to be washed away before germination during rain events, and you'll have to repeat the process.

Stabilization done once is cheaper – Hydraulically applied erosion control blankets bond securing to the slope and establish vegetation quickly.

Stabilize ponds/slopes as soon as they're graded – Who's going to pay the excavation contractor to repair slopes damaged due to rainfall?

Stabilization is a critical aspect of compliance and your project will remain at risk of enforcement actions until all disturbed areas are paved, built upon or vegetated.

WHICH POND WOULD YOU WANT AT CLOSE OUT?





INSPECTIONS ARE

CERTIFIED

Inspection reports are legal documents

Inspections shouldn't be taken lightly. Intentionally falsifying an inspection report can result in a fine or imprisonment

There is nothing wrong with noting problems on an Inspection Report, an inspector has no option if problems exist. Violations are inherent in any jobsite and non-compliant conditions should be written up, then corrected. Not correcting violation is what can get you in trouble.

Inspection Report should be a "snapshot" of site conditions, reflect good and bad. Enforcement Officers know all sites have problems from time to time and expect to see them noted on reports.

“ UNDER PENALTY OF LAW,
I HEREBY CERTIFY...”



ENFORCEMENT

HOT BUTTONS

CONSTRUCTION EXIT

CONCRETE WASHOUT

TRACKING (SCE)

PERIMETER CONTROL

INLET PROTECTION BARRIERS

PERMITTING & POSTING

SPOND STABILIZATION

STREET SWEEPING

SAW CUTTING SLURRY



YOUR BIGGEST CONCERN

John Q Public should be your biggest concern

The Clean Water Act is designed for citizen lawsuits

CWA was intended to spur citizen participation in oversight of environmental concerns. Think about the requirement that signage with operator permits must be posted prominently, visible by the public.

Enforcement personnel operate under mandates for rapid response to complaints

Citizen complaints generate the majority of enforcement investigations and complaints are moved to the front of the line for enforcement response.

TCEQ Compliance History database in place

Updated September 1 of each year based on operator's compliance history for the previous 5 years. The resulting rating is, intended as, a measure of the contractors environmental compliance. Your rating may impact your ability to get future work or a new permit.

Keep Your Jobsite COMPLIANT



WE CAN HELP

1930 Aldine Western Road
Houston, TX 77038

Phone 832.456.1000
Fax 832.456.1010