

# New Castle County Guidelines

## for the Certified Construction Reviewer, Owner/Developer, Site Contractor and Professional Engineer

The following guidelines have been prepared to assist Certified Construction Reviewers (CCR), owners/developers, contractors and engineers in understanding their various responsibilities with regard to the implementation of the CCR program in New Castle County (NCC). This document should be used in conjunction with those portions of the Delaware Sediment and Stormwater Regulations which pertain to the CCR program, as well as the Delaware Erosion and Sediment Control Handbook, the Sediment/Stormwater Management Basin Construction Checklist and Small Pond Code 378.

For non-residential development, NCC requires a CCR to report on all sediment and stormwater controls (S & S) as well as stormwater management facility construction. For residential development, NCC requires the CCR to report solely on the stormwater management facility construction. If a residential site has environmental concerns, NCC reserves the right to require a CCR review of all S & S practices, in addition to the stormwater management facility.

### CCR Responsibilities:

1. In accordance with Section 12.4 of the Delaware Sediment Stormwater Regulations, the CCR **shall** be certified by Department of Natural Resources and Environmental Control (DNREC) and possess a current, valid certification card. NCC only acknowledges certifications issued by DNREC. Contact DNREC, Division of Soil and Water Conservation (302.739.4411) for information about certification or re-certification.
2. The CCR **shall** review and become familiar with all elements of the approved sediment and stormwater management plan that they will be responsible for reviewing on site. Any questions or issues raised during this review should be discussed with the owner/developer, site contractor, design consultant and/or NCC prior to the start of construction. The CCR **shall** attend the NCC pre-construction meeting, if scheduled, to discuss the plan and declare any reservations that he/she may have concerning the implementation of the plan.
3. On non-residential sites, the CCR **shall** perform, at a minimum, **weekly** S & S reviews of the site, in accordance with Section 12.7(A) of the Delaware Sediment and Stormwater Regulations. The Delaware Sediment and Stormwater Regulations, Delaware Erosion and Sediment Control Handbook, Pond Code 378 and the approved sediment and stormwater management plan shall all be considered by the CCR as they pertain to the site review. Based on this review, reports shall be prepared which accurately reflect the condition of the site and its compliance/non-compliance status with the approved plans, specifications and applicable regulations. These reports shall include a date by which all deficiencies must be resolved in order to accomplish the design principles of the approved plans. The weekly report shall then be reviewed, signed, sealed and dated by the supervising Professional Engineer (P.E.). The site contractor, the owner/developer and NCC (Fax # 302.395.5488, Attn: Engineering Section) shall receive facsimile copies, or other correspondence agreed

upon or directed by NCC in writing, of these reports [within three (3) business days of the review].

4. Inspection frequency may be reduced only by providing a formal written request to NCC. The request shall include the latest CCR report, which must be representative of a site that is compliant, and justification for requesting a reduced frequency. There must not be any outstanding violation notice on the site and the CCR must have been diligent in providing the Department with the required reports, up to the time of the request. Granting the request shall be at the written discretion of NCC. If the request is approved, the CCR **shall** be required to submit a CCR report following any significant rain event, in addition to the reduced frequency. If it is determined that the site is non-compliant or the construction activity increases, then the frequency of required CCR reviews shall return to the standard weekly reviews or as otherwise directed by NCC. The CCR **shall** indicate on the final CCR report that the project has been completed.
5. All sites for which a CCR is required, the CCR **shall** maintain a presence, be observant and provide documentation on all stages of the stormwater management facility construction required, pursuant to Section 14.7 of the Delaware Sediment and Stormwater Regulations, to accurately complete the Sediment/Stormwater Management Basin Construction Checklist. The CCR **shall** be familiar with all items on the checklist and competent to perform the required reviews. The CCR is not only responsible for accurately reporting what is observed, but **shall** alert the design consultant, owner/developer, site contractor and NCC (Engineering Section, 302.395.5470) immediately of any problems or discrepancies with respect to the design principles of the approved sediment and stormwater management plan.
6. The CCR **shall** be present to observe and report on the compaction testing of any stormwater management facility [See owner/developer guideline #2]. If the compaction testing reveals that sufficient compaction has not been achieved, then NCC **shall** be notified and no further work on the basin shall be completed until further directed by NCC. If the CCR is not able to complete certain items on the checklist, the CCR **shall** notify the owner/developer before the job begins (preferably before the pre-construction meeting).
7. If an erosion or sediment control practice has failed, a field modification of the approved sediment and stormwater management plan may be required. An important role of the CCR is to work with the site contractor and NCC to facilitate such a change, if deemed necessary. Problems that relate to inadequacies in the approved plan shall be referred to NCC, who will either work with the CCR and site contractor on field modifications or require a revised plan from the design consultant, pursuant to Section 14.6 of the Delaware Sediment and Stormwater Regulations.
8. The CCR is responsible for reviewing all perimeter controls on non-residential sites in accordance with the approved Pre-Bulk Grading Plan and the Delaware Erosion and Sediment Control Handbook. NCC shall receive a satisfactory Perimeter Control Review by the CCR, prior to requesting a NCC Perimeter Control Inspection (PCI).
9. For those instances when the proposed stormwater management facility is to be used as a temporary sediment basin during the construction phase of the project, the CCR **shall** be responsible for submitting a Sediment/Stormwater Management Basin Construction Checklist with all applicable sections completed, accompanied by any supporting documentation, to NCC for all sites prior to requesting a PCI.

10. The CCR may approve, and document in the field review report, minor changes or deviations (i.e. soil stockpile location, silt fence location, additional sediment controls and modification to the construction entrance) in the field implementation of the approved sediment and stormwater management plan. If the CCR approves any changes or deviations, he/she must notify NCC [within three (3) business days of the approval]. If it is determined by NCC that the recommendation is not within the purview of the CCR, then NCC reserves the right to rescind the approval given by the CCR and/or require a revised sediment and stormwater management plan. The CCR **shall** notify the design consultant, site contractor, owner/developer and NCC [within three (3) calendar days] of any inadequacies of the approved plan. If NCC determines the approved plan(s) to be deficient, that plan(s) shall be voided, the site may be issued a stop work order and the submission of a revised plan shall be required for review and approval by NCC. Any of the previously stated directives will be declared in writing by NCC.
11. The CCR is responsible for contacting NCC if there is difficulty achieving compliance or establishing communication with the owner/developer and/or the site contractor. NCC will first attempt to resolve any outstanding issues but, if further enforcement action is warranted, the site may be referred to DNREC by NCC, pursuant to Sections 12.7(C) and 14.8 & 9 of the Delaware Sediment and Stormwater Regulations.
12. The CCR is accountable to DNREC for the quality of his/her reports and performance as the site reviewer. All reports shall be honest and accurate. If it is determined that the CCR is not providing adequate site control or is not referring problem situations, DNREC may suspend or revoke the certification of the CCR in accordance with Sections 12.8 & 9 of the Delaware Sediment and Stormwater Regulations.

**Owner/Developer Responsibilities:**

1. The owner/developer is responsible for ensuring that all work done on site is in accordance with the approved sediment and stormwater management plan, Pond Code 378, 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. In the event that the CCR is not employed by the geo-technical firm which is performing the compaction testing of any stormwater management facility, then the owner/developer **shall** be responsible for forwarding the results of the compaction testing to NCC [within three (3) business days of the testing date]. The owner/developer is ultimately responsible for making sure these items are completed by a competent CCR.
3. Work on a stormwater management facility may proceed provided that the work does not preclude the review and approval by the CCR and/or the supervising engineer of any items previously completed. If work proceeds without the CCR being present, NCC and/or DNREC reserve the right to require the contractor to disassemble and reconstruct the completed work at the owner's expense.
4. The owner/developer **shall** provide [at least twenty-four (24) hours] adequate notice to the CCR and NCC for all required inspections or reviews, as deemed necessary by the approved sediment and stormwater management plan, Pond Code 378 and the Delaware Sediment and Stormwater Regulations, of work completed by the site contractor, according to Section 14.1 of the Delaware Sediment and Stormwater Regulations.

5. The owner/developer is responsible for providing a CCR on those sites that are required to have one, in accordance with Section 12 of the Delaware Sediment and Stormwater Regulations and this policy.
6. The owner/developer is responsible for directing the site contractor to cooperate and comply with the direction given by the CCR and/or the NCC Inspector. Any corrective action(s) or maintenance required as deemed necessary by the CCR must be resolved [within three (3) business days or otherwise directed].
7. The owner/developer is responsible for notifying NCC before initiation of construction and upon project completion when a final inspection will be performed to ensure compliance with the latest approved sediment and stormwater management plan, pursuant to Section 14.2 of the Delaware Sediment and Stormwater Regulations. The owner/developer is also responsible for ensuring that there is a CCR actively monitoring and reporting on the site until the site is complete. 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 NCC must be formally notified of the change in personnel. NCC may request a new pre-construction meeting with the owner/developer and the new CCR as well as other necessary parties to ensure the transition to the new CCR occurs with continuity and does not adversely affect S&S controls at the site.

**Site Contractor Responsibilities:**

1. The site contractor is responsible for performing all site work in accordance with the latest approved sediment and stormwater management plan, Pond Code 378, the Delaware Sediment and Stormwater Regulations and the Delaware Erosion and Sediment Control Handbook.
2. The site contractor is responsible for assuring a site contact, with a current and valid DNREC Blue Card, is on-site at all times during which time construction is actively taking place with his/her copy of the approved sediment and stormwater management plan, pursuant to Section 13.2 of the Delaware Sediment and Stormwater Regulations.
3. The site contractor is responsible for installing and maintaining all S & S controls in accordance with the approved sediment and stormwater management plan, the Delaware Erosion and Sediment Control Handbook and/or as otherwise deemed necessary by NCC. The site contractor is responsible for cooperating with the CCR and/or NCC when corrective action is required on site. The site contractor is responsible for installing all stormwater management facilities in accordance with the latest approved sediment and stormwater management plan, Pond Code 378 and the Delaware Sediment and Stormwater Regulations.
4. The site contractor is responsible for sending personnel to the Contractors Certification Course, pursuant to Section 13.1 of the Delaware Sediment and Stormwater Regulations. Contact DNREC, Division of Soil and Water Conservation, (302.739.4411) about this program.

**P.E. Responsibilities:**

1. The P.E. is responsible for overseeing the CCR review, for verifying the accuracy of the CCR review and for signing, sealing and dating the CCR reports and the Sediment/Stormwater

Management Basin Construction Checklist, pursuant to Section 12.3 of the Delaware Sediment and Stormwater Regulations.

2. The P.E. **shall** approve and seal only those documents which in their considered opinion do not endanger the life, health, property and the public welfare in conformity with accepted engineering standards, according to the Code of Ethics approved by the Council of Delaware Association of Professional Engineers (DAPE), October 11, 2000.
3. The P.E. having knowledge of any alleged violation of the Code of Ethics shall be forthright and candid in cooperating with the DAPE Council in furnishing such information or assistance as may be required.
4. The P.E. **shall** not affix their seal to any document not prepared under their supervisory control and review, according to the Code of Ethics.
5. The P.E. **shall** be completely objective and truthful in all professional reports, statements, or testimony, and **shall** include all relevant and pertinent information, according to the Code of Ethics.

**NCC Responsibilities:**

1. NCC **shall** be responsible for the review and approval of the Sediment and Stormwater Management Plans in accordance with the Delaware Sediment and Stormwater Regulations, Pond Code 378, the Delaware Erosion and Sediment Control Handbook and the NCC Drainage Code.
2. NCC **shall** be responsible for the coordination of the pre-construction meeting and the issuance of meeting minutes to all parties in attendance. The purpose of this meeting is to provide an opportunity for all the parties (owners/developers, site contractors, design and review engineers, CCRs, inspectors, etc.) to assemble and discuss any permit and plan related issues prior to the start of work. Any concerns about plan implementation or general procedures shall be discussed and resolved at this meeting.
3. NCC **shall** perform periodic inspections of S & S controls for non-residential sites once the PCI has passed and site work begins. NCC will continue regular S & S inspections of all residential sites until the job is complete.
4. NCC **shall** monitor all sites under the responsibility of a CCR. Any site deficiency stated in an inspection report issued by NCC, but not referenced by the CCR in his/her report, must be addressed in addition to any/all site deficiencies stated in the CCR report. When there is a considerable disagreement between the reports, NCC and the CCR **shall** meet to resolve any inconsistencies before the subsequently scheduled site review/inspection.
5. NCC **shall** be responsible for tracking and analyzing the CCR reports in addition to ensuring that the Sediment/Stormwater Management Basin Construction Checklist has been completed.
6. When a site is determined to be in violation of the approved sediment and stormwater management plan by the CCR and the site contractor operating on the behalf of the Owner/Developer failed to comply with the resolution of any deficiencies by the given date stated by the CCR in the inspection report, the site may be issued a stop work order and/or

other enforcement action will be pursued (pursuant to Section 12.08.005 of the New Castle County Drainage Code) and/or criminal charges will be filed by NCC. The Department reserves the right to refer the site to appropriate State, pursuant to Section 12.7(C) of the Delaware Sediment and Stormwater Regulations, and Federal agencies for enforcement.

7. NCC **shall** periodically audit the CCR's performance. NCC shall notify the CCR if his/her performance does not meet the requirements and standards of this policy and/or Sections 12, 13 and 14 of the Delaware Sediment and Stormwater Regulations. If the CCR's performance does not improve within a reasonable period of time, NCC reserves the right to refer that CCR to DNREC which may suspend or revoke his/her certification, pursuant to Sections 12.8 & 9 of the Delaware Sediment and Stormwater Regulations.
8. NCC will perform a final inspection of the site to determine whether the construction activities conform to the approved Sediment and Stormwater Management Plan. This final review will be initiated upon the receipt of a CCR report stating that the construction activities have terminated and the site is in compliance with the approved plan. NCC **shall** issue a letter to both the CCR and owner/developer stating the above, if the findings of the NCC inspection are in accord with the CCR report. In the event that NCC identifies deficiencies during the final site review, then a letter **shall** be issued to both the CCR and owner/developer listing those deficiencies.

**DNREC Responsibilities:**

1. DNREC is responsible for the certification of the CCR's through the CCR course.
2. DNREC is responsible for providing general education for the contractors and developers through the Contractor Certification Program.
3. DNREC is responsible for enforcement of site compliance on sites that have been referred by NCC.
4. DNREC is responsible for providing technical assistance to NCC and the CCR.