

Frequency and Types of Inspections of Construction Sites

The frequency and type of inspections conducted by City Engineering is dependent on the characteristics of the site, the type or phase of construction and the potential for the site to impact stormwater quality and other areas of environmental concern. The level of construction activity throughout the City and availability of staff resources will also factor into the decision. Key factors involved in the decision that relate to construction and the site are:

1. The size of the disturbed area.
2. The length of time that the site will be left disturbed.
3. The proximity of the construction site to areas of environmental concern.
4. Past experiences with the owner/contractor.
5. The phase of construction.
6. Season of land disturbing activity.

3.5 Construction Enforcement Strategy

The following strategy will be used to ensure compliance with the City's Grading Plans and/or Erosion and Stormwater Quality Control Plans.

Goal of Strategy

To encourage owners, developers, and contractors to take the necessary measures to ensure that their construction sites do not create negative impacts to public safety, property, or water resources.

Policies

The following policies apply to enforcement at construction sites in the City.

1. It will be the policy of the City of Colorado Springs to encourage compliance with grading, erosion and stormwater quality control requirements by working with engineers and developers during the design and implementation phases of a project to incorporate proper construction BMPs. The City will work with contractors to inform and educate them on the proper implementation and maintenance of construction BMPs.
2. The City will try to bring a construction site into compliance with its approved plan prior to formal enforcement. This will be accomplished by working with the owner, developer, and contractor. The intent will be to allow them reasonable opportunity to take the necessary measures before more formal action, such as a Stop Work Order or Notice and Order, is taken.
3. The City considers the owner of the land the ultimate responsible party for all construction activities. It is the responsibility of the owner to take all necessary measures to ensure that the site is in compliance with City ordinances and the Grading Plan and/or Erosion and Stormwater Quality Control Plan.
4. The City has tried to make its requirements consistent with State requirements for construction activities (CDPS General Permit – Stormwater Discharges Associated with

Construction Activities). Should requirements conflict, it will be the responsibility of the owner to bring these conflicts to the City's attention and propose how to address them.

5. Whenever a Stop Work Order is issued, it will be the City's policy to stop any or all City activities or further approvals relative to the site until the necessary measures are taken to address the concerns, as stipulated in the Stop Work Order.

Definitions

1. Stop Work Order. For this program, a Stop Work Order is an order issued by the City Engineer or his designee to the owner and contractor of a construction site. The Order is used when the owner has failed to obtain a Grading Permit from the City Engineer or to take the necessary measures to comply with the Grading Plan and/or the Erosion and Stormwater Quality Control Plan approved for the site. When the Order is issued it requires all work on the site to cease until the Owner takes the measures necessary to bring the site into compliance with the Grading Plan and the Erosion and Stormwater Quality Control Plan.
2. Notice and Order. The initiation of formal enforcement action.
3. Inspection. The term "inspection" in this document refers to an inspection performed by an employee of the City's Engineering Division, except for self-monitoring inspections which are performed by the owner or their representative, in an effort to determine the status of compliance of a construction site with its Grading Plan and/or Erosion and Stormwater Quality Control Plan. The inspection includes, but is not limited to, the following inspection types: Initial Inspections, Compliance Inspections, Reconnaissance Inspections, Complaint Inspections, Follow Up inspections, and Final Inspections.
4. Erosion and Stormwater Quality Control Plan. An Erosion and Stormwater Quality Control Plan is a plan developed in compliance with the requirements included in the *Manual: Stormwater Quality Policies, Procedures and Best Management Practices*. Its purpose is to ensure that measures are in place to ensure that the construction site does not create negative impacts on persons, property or water resources. It requires the design, implementation, and maintenance of stormwater BMPs. The plan may be combined with the Grading Plan if all required information can be clearly presented. The plan will then be a combined Grading, Erosion and Stormwater Quality Control Plan.
5. Grading Permit/Erosion Control Permit. An approved Erosion and Stormwater Quality Control Plan becomes an Erosion Control Permit once it is accepted and signed off on by the City Engineer. The permit authorizes the implementation of the approved erosion and stormwater quality control measures. Signoff and acceptance of both the Grading Plan and the Erosion and Stormwater Quality Control Plan, or a combined plan, by the City Engineer shall constitute a Grading Permit, authorizing the approved land disturbance and implementation of the approved erosion and stormwater quality control measures.
6. Letter of Noncompliance. A Letter of Noncompliance is written to the property owner and contractor to notify them that they are in violation of the Grading Permit or are in noncompliance with the requirements of the *Manual* or the City Code relating to grading, erosion, and stormwater quality requirements. The letter contains a description

of the measures required to bring the site into compliance and a date by which these measures must be implemented.

7. Municipal Summons. Issuance of a summons to appear before a judge in Municipal Court.

Enforcement Procedures

An important element of the City's enforcement program is inspections. A good program for monitoring the compliance status of sites with their plans may be sufficient encouragement to ensure compliance with their Grading and Erosion Control Permits. The City encourages compliance by requiring self-monitoring inspections by the owner. The self-monitoring inspections require the owner to identify areas of noncompliance and take corrective actions. In addition, the City's inspection priority system provides for the rewarding of complying parties with less frequent inspections.

When the City performs inspections at construction sites, it notes those areas that need to be addressed to bring the site into compliance with its Grading and Erosion Control Permit. A time frame for addressing any noncompliance is included in the inspection report as a required follow-up action. It is expected that the inspector and the site contact will come up with a schedule that is mutually agreed upon. Based on a review of the site, the inspector will list the actions that are needed. The inspector will determine if a Follow Up inspection is needed or if submission of information that verifies that the necessary actions were taken is adequate.

There are several situations where the City may determine that more aggressive action is necessary to get the site into compliance with its permit. The first situation is when there are impacts on public safety, property or water resources. This could include, but is not limited to, the deposition of sediment on a roadway that has the potential to cause accidents, the wash out of channels, spills of toxic materials, deposition of sediment that causes or has the potential to cause property damage, or the deposition of materials into water ways. The magnitude of the impacts will determine what action is appropriate. Another instance that may result in more aggressive action is when the history of the contractor/owner/developer suggests that a more formal action is necessary. Problems that may warrant such action include:

- Where the same problem is reoccurring at the site.
- Where the site appears to be having frequent minor problems.
- The individuals involved have a history of noncompliance.

There are several options for formal action that are available to the City. Table CS-1 summarizes some of the more common options. The City may take other action as deemed appropriate.

TABLE CS-1
Enforcement Options

Enforcement Option	Description	Typical Applications
Letter of Noncompliance	This is a letter written to the owner and contractor. It contains a description of the problem, the measures required to bring the plant into compliance and a timeframe for completion of those measures.	No immediate danger to the public safety, property or water resources. Compliance has not been achieved while working with the owner/representative or contractor. When the City wants to document ongoing problems and agreed upon follow-up.
Stop Work Order	This Order requires the owner and contractor to stop all activity on the site except for the work necessary to bring the site into compliance with its Grading Permit. Depending on the compliance problem and the City's past experience with the individuals involved, the City may impose the Order on only a portion of the site.	Used when there is an immediate threat to the public safety, property or water resources. Used when the site has failed to comply with the Letter of Noncompliance.
Permit Revocation	The City may revoke the Grading Permit and/or the Erosion Control Permit if the requirements of the Grading Plan and/or Erosion and Stormwater Quality Control Plan are not implemented. Revocation of the permit has the same effect as a Stop Work Order, except that the owner will need to resubmit a Grading Plan and/or Erosion and Stormwater Quality Control Plan.	Used when the site has failed to comply with the Stop Work Order. Used when the current plan has been judged to be inadequate, and the owner or contractor have failed to take the necessary measure to improve the plan.
Notice and Order	Formal enforcement action by the City. This can result in financial penalties. This action can be taken in conjunction with any of the measures listed above.	This action will be taken whenever the City will need to collect funds for abating the violation.
Municipal Summons	Issuance of a summons to appear before a judge in Municipal Court	Used when the site has failed to comply with the Stop Work Order or Notice and Order.

It is expected that under normal conditions the progression of enforcement actions is a Letter of Noncompliance, then a Stop Work Order, then a revocation of the Grading and/or Erosion Control Permit and then a Notice and Order. Once a permit has been revoked, it will be necessary to resubmit a Grading Plan and/or an Erosion and Stormwater Quality Control Plan to the City. A Municipal Summons may be issued for noncompliance with a Stop Work Order, a Notice and Order or other situations as outlined in the City Code.