



CONSTRUCTION REVIEW POLICY

1.0. Land Disturbing Activities

This policy is established to outline procedures to be followed during the construction review of land disturbing activities that fall under the jurisdiction of the Department of Natural Resources and Environmental Control (DNREC) as authorized under sec. 4010 Chapter 40, Title 7. Del. Code and to serve as general guidance for the Delegated Agencies. The reader is advised that variations from these guidelines do exist among the Delegated Agencies. Therefore, it is recommended that individuals become familiar with specific requirements for their project by contacting the appropriate authority. (See List of Delegated Agencies)

1.1. Prior Notification:

Construction projects that receive approval of a Sediment and Stormwater Management Plan, shall notify the appropriate authority **FIVE WORKING DAYS BEFORE CONSTRUCTION BEGINS** regardless of the size or scope of the approved project. The individual responsible for the site review will then schedule a pre-construction meeting on-site to establish procedures to be followed. **FAILURE TO NOTIFY THE APPROPRIATE AUTHORITY PRIOR TO CONSTRUCTION SHALL CONSTITUTE A VIOLATION OF THE APPROVED PLAN, AND SUBJECT THE APPLICANT TO PENALTIES AS DESCRIBED IN SECTION 16, DELAWARE SEDIMENT AND STORMWATER REGULATIONS.**

1.2. Preconstruction Meeting:

A preconstruction meeting will be scheduled between the site reviewer and the Owner/Developer and or representative, and should include:

- 1) Site Reviewer;
- 2) Owner/Developer and/or Representative;
- 3) Site Construction Supervisor/Responsible Construction Personnel
- 4) Any Necessary Subcontractors/Builders
- 5) A Certified Construction Reviewer (when required).

Items to be discussed during the preconstruction meeting shall include the following:

- 1) The line of communications to be established for the transmittal of written and verbal information.
- 2) Mandatory inspections will be discussed as to stage of construction, and frequency of inspection needed.

- 3) Discussion of the sequence of construction and determination that any changes to the construction sequence shall receive prior approval.
- 4) Determine that limits of disturbance are clearly marked on site, and everyone is aware of limitations.
- 5) Discussion of the approved plan and the procedure for potential field modification when needed.

1.3. Review Authority Responsibilities:

All site inspection shall generate a written inspection report and/or notice of violation. Three part forms shall be distributed as follows:

White - Owner/Developer or Representative
Yellow - Contractor or Responsible Person
Pink Copy - Review Authority

- 1) Initial Erosion and Sediment Control Construction Review:
Unless waived by the site reviewer, the review authority shall be notified after the perimeter controls have been installed, but before land clearing and grading begins, including clearing and grading for sediment and stormwater management traps or ponds. The site reviewer shall verify that correct installation of perimeter controls has been completed before authorization is given to proceed with the next item of the sequence of construction.
- 2) Required Sediment and Stormwater Construction Review:
The site reviewer shall be notified prior to construction of stormwater management facilities as specified in the Delaware Sediment and Stormwater Regulations Sect. 14 (7), as well as previously determined stages of construction. Failure to notify the site reviewer prior to any specified stage of construction may necessitate that the structure or earthwork be constructed again in the presence of the site reviewer.
- 3) Routine Construction Review:
The review authority will, in addition to the above designated inspections, ensure that every active construction site be inspected for compliance with the approved plan on a regular basis. The frequency of inspections will be determined by the size and scope of the project.
- 4) Authorization to Remove Sediment Controls:
In certain instances it may be possible to remove sediment controls when a portion of a site has been completed and stabilized, but prior to a final site inspection. This action shall take place only after authorization of the site reviewer.
- 5) Final Construction Review:
When all site grading and development, including stabilization has been completed, the review authority shall be notified for a final inspection. The entire site shall be reviewed for final conformance to the approved Sediment and Stormwater Management Plan before final acceptance will be granted.

1.4. Project Review Procedures During Construction:

All policies and procedures guiding review of active construction shall be consistent with Del. C Chapter 40, the Delaware Sediment and Stormwater Regulations Section 14, and DNREC Sediment and Stormwater Program Policy.

1) Official Identification of Review Authority Personnel:

The site reviewer will make his/her presence known to the appropriate individuals on the site before any inspection occurs. The site reviewer will have the appropriate identification and offer it as an introduction. If no appropriate individual can be found, the site reviewer will again attempt to contact the designated persons at the conclusion of the inspection.

2) Documentation of Site Review and Deficiencies:

The site reviewer will complete a written report to be discussed with the contractor's representative or responsible person on site when that person is available. The written report shall be specific as to conformance with the approved plan, and/or a time frame to comply with items that need correction. The inspection report will be left on site or otherwise be transmitted to the contractor's representative or responsible person and owner/developer or representative when appropriate. It shall be discussed that the plan deficiencies must be corrected in an appropriate time frame, or the site shall receive a violation notice.

(NOTE: It is up to the discretion of the site reviewer to directly issue a Notice to Comply when the seriousness of the violation warrants. Procedures to follow are outlined in the Enforcement Policy document.)

3) Compliance Review Procedures:

a. Previous Deficiencies Corrected:

The site shall be re-inspected at the appropriate time to determine if all necessary corrections have been completed. If all deficient items from the previous inspection have been corrected, it shall be noted on the site inspection form, along with any new items to be corrected.

b. Previous Deficiencies Not Corrected:

If previous site conditions have not been corrected, appropriate enforcement action shall be initiated as outlined in the Enforcement Policy document.