

CSEP Pilot, Stage 2
****DRAFT****
Program Update
January 2006 to January 2010

I. Background

- i. The Colorado Stormwater Excellence Program (CSEP) is an innovative public/private partnership promoting the use of a voluntary, EMS-based regulatory compliance system standardized for the construction industry and targeted at improving industry-wide compliance with the Colorado Construction Stormwater General Permit.

In March, 2005, the Colorado Water Quality Control Division (Division) initiated a unique approach to improving stormwater compliance by implementing the CSEP on a pilot basis. The results of this program are detailed on the Division's website in the CSEP Pilot, Stage I Final Report. The CSEP Pilot, Stage I ran for approximately 4 months and involved 5 Construction industry organizations. The Pilot demonstrated and documented significant improvements in private sector stormwater regulation compliance with very minimal resources required of the Division to achieve the improvements. Based on this success, the Division determined that a second CSEP Pilot of a longer duration and with broader participation was justified.

In January 2006, CSEP Pilot Stage II was initiated by the Division. Stage II was intended to last approximately one year and involve broader industry participation and was to be modeled on the systems and tools utilized during Stage I but with some significant changes based on the lessons learned during the initial pilot. Stormwater Risk Management, LLC, the consultancy that implemented Pilot Stage I, was tasked by the Division with coordinating the efforts of all CSEP stakeholders to make the needed changes to the program and move Stage II pilot forward. The CSEP Stage II Pilot completed its first year in January 2007 and due mostly to strong industry interest was extended for an additional three years to the point of this writing.

II. CSEP Pilot Stage I lessons learned and implemented in Stage II

The Final Report for CSEP Pilot Stage I outlined a number of program successes as well as additional challenges that, if implemented, would make the CSEP even more effective and increase the integrity and credibility of the program with all water quality stakeholders. The following subsections summarize the lessons learned during Pilot Stage I and the efforts made to incorporate beneficial changes to Pilot Stage II.

II.A.1 - Trade Association Involvement

During the implementation of CSEP Stage I, it was agreed by all stakeholders that trade associations could, and should, have a more prominent role in the CSEP Stage II. Trade Associations such as the Associated General Contractor's Colorado Chapter are not typically regulated entities and thus minimize conflicts of interest while representing the broad interests of the entire industry sector. Strong Trade Associations commonly provide their members with a number of services that are also beneficial to the CSEP. Services such as political lobbying, education and training, awards and recognition, meeting facilities, etc. are all aspects of the CSEP that require structure and administration.

AGC's participation in the CSEP was expanded during the four years of Stage II in a number of ways. The following are a few examples of the roles the AGC played during Stage II.

In 2009, AGC Colorado began, at the request of the membership participating in the CSEP, a more aggressive political lobbying effort to gain legislative and financial support for the Division to provide the Division with the resources needed expand their oversight of the CSEP. Expanded Division oversight and compliance assistance were identified as important by the CSEP participants for long-term program success and credibility. The AGC lobbying efforts were slowed, however, in late 2009 due to political climate surrounding State budget constraints and significant Division cutbacks, a result of the serious national economic recession of 2009. The AGC Colorado has retained a lobbying group and they will resume efforts as political and economic timing is more favorable.

In 2006 and 2007, eighteen eight-hour CSEP basic stormwater compliance training classes were offered during the pilot program in facilities provided by the AGC Colorado chapter and were well-attended by industry members both in and outside the CSEP. The AGC advertised and promoted the training classes throughout the commercial construction industry in Colorado and in doing so raised the awareness of stormwater regulatory compliance as an important industry issue. The AGC CSEP basic training emphasizes the benefits of permittees performing thorough self-inspections as required by the CGP and the implementation of other standard and proven compliance systems and tools. The AGC also promoted and facilitated other basic stormwater training classes not directly related to the CSEP, such as the CDOT Erosion Control Supervisor one and two day certification classes. Curriculum outlines can be found on the AGC Colorado website under the "Environmental" tab at the top of the page.

<http://www.agccolorado.org/>

In late 2008 the CSEP participants and other stakeholders identified that the basic stormwater training courses available were inadequate to fully prepare regulated entities to be in compliance at the level demanded by the CGP. In response, the AGC began offering the 2.5-day Advanced Stormwater Managers course with a basic course being a prerequisite for attendance. The Advanced course focused on the practical implementation of a suite of standardized compliance systems and

tools that, when properly implemented at the jobsite, resulted in significant and measurable compliance improvements. In 2009 the interactive training materials and standardized systems and associated forms were made available online to trainees as a constantly updated resource to better facilitate jobsite compliance efforts. See AGC website link above. This standard approach to construction general permit compliance was named the Uniform Stormwater Management System (USMS).

In 2009 the AGC formed the AGC Environmental Committee which included a number of task forces intended to support the advancement of the CSEP and industry environmental compliance efforts in general. Through this committee the AGC created the structure to better and more directly represent their membership on the CSEP Advisory Board

The AGC served on the CSEP Advisory Board and represented the interest of its broader membership. This representation was important in enhancing the credibility of the program from the perspective of the industry participants and non-participants alike. In Colorado the AGC is a highly respected trade association and nationally the AGC has been recognized as one of the top ten industry associations. Throughout all of Pilot Stage II, meeting facilities were provided by the AGC Colorado at their main office at no direct cost to the CSEP stakeholders.

The AGC also sponsored the first, second and third annual CSEP recognition awards to acknowledge all participants and recognize the highest performers in the program. The recognition program is held in May to recognize performance for the previous year and is well attended and well-received by the commercial general contracting industry. The AGC National organization also attended the CSEP awards ceremony in 2007 to demonstrate their interest and support. The National AGC continues to support the advancement of certain voluntary programs such as the CSEP through their relationship with the EPA Sector Strategies Division and other groups with the EPA Headquarters in DC. In 2009 the EPA Sector Strategies Division was disbanded by the EPA Administrator.

The AGC Colorado produces a monthly newsletter called OnSite in which a number of articles were published during Pilot Stage II bringing attention to stormwater compliance requirements, challenges, and potential solutions for the contractor and the construction industry.

During the course of Pilot Stage II, AGC Colorado clearly demonstrated the important role trade associations can and should have within the program as the CSEP moves forward. In 2009, it was determined through the model established by the AGC Colorado, that strong trade association stakeholders were vital to the success of the program and were ideally suited to act as the CSEP Administrator representing their industry sector.

II.A.2 - CSEP Advisory Board

Perhaps the most important change to the CSEP during Pilot Stage II was the creation of the CSEP Advisory Board (Board). The Board was implemented to provide a credible and unbiased leadership group representing all stakeholders whose main purpose was to promote improved permit compliance and water quality in Colorado through the creation and enforcement of sound CSEP policies and procedures.

Original Board members were invited by the Division to participate. An attempt was made to create a manageable size board of no more than ten members while involving a representative cross-section of stakeholders. The initial Board was created in February 2006 and was made up of one Division representative, three representatives from the MS4 community, one CSEP participant, one Third-party Construction Reviewer, and one Trade Association representative (AGC). Starting in 2006, the Board developed and updated CSEP bylaws and operating policies and procedures which can be found in their most current form in Section VIII of this report.

While the Board was instrumental in establishing the foundational policies and procedures for the CSEP, work is ongoing to complete the program guidelines. The CSEP policies and procedures continue to be developed and refined by the Board to meet the goals of the program.

In 2006 the Board identified the importance of having certain checks and balances integrated into the structure of the CSEP to maintain the integrity and credibility of the CSEP. Primarily there was a concern about maintaining the quality and consistent standards for the performance information being reported to the Board by the Construction Reviewers (CR) (also referred to as the third-party auditors) hired by the CSEP Participants.

In response, the CSEP Oversight Committee was created, made up of the MS4 members on the Board, to monitor the performance of the Construction Reviewers (CR) performing the monthly audits. The Oversight committee was tasked with performing a number of unannounced audits within twenty four hours of a CR inspection of a participant. The oversight committee followed the same inspection procedures and used the same inspection system and scoring as the CR used during a Participant inspection and then the results were compared by the Board. Major variances in the Participant score between the two reports would be cause for further review. The oversight process occurred on four occasions during Pilot Stage II in 2006 and provided verification that the CR policies and procedures were followed and CR inspections met the CSEP standards.

During the oversight process in 2006, it became evident that a CR oversight inspection process was critical to maintaining the credibility of the CSEP over the long-term, however, an alternative approach to MS4s performing the oversight

inspections was needed. Most MS4 Board members could not commit the time and MS4 resources to perform these inspections at the frequency needed. The Division also lacked the compliance assistance resources necessary to perform these inspections.

From 2007 through 2009 no further CR oversight inspections were performed by the Board. The Board recognized that as the CSEP expanded and more than one CR began performing CSEP audits, a permanent resolution to the challenge of performing unbiased CR oversight inspections for the Board would need to be established. At the end of 2009, this still remained a top priority for resolution.

One challenging aspect of operating the Board was the time commitment required by its volunteer members. The Board met monthly, sometimes more, during the creation of the initial draft CSEP policies and procedures in the first year. This meeting frequency for the Board is not likely to be sustainable in the permanent program nor should it be necessary due to the expanded role that the CSEP Administrator (trade association) demonstrated during 2009 as discussed above. The CSEP Administrator should be able to facilitate the majority of the program functions and report to the Board at bi-monthly or quarterly meetings as needed.

II.A.3 – Incentives

Attracting widespread involvement in a voluntary program of compliance excellence that requires extra effort and expense by the participants would be easier if more tangible benefits were available. The perception among many in industry is that participation in the CSEP is expensive and might cause a participant to be less competitive in their market. The Division could have a positive impact on industry interest and participation in the CSEP by establishing clear incentives. Some of the incentive ideas that were included in the Stage I Final Report (page 22) were:

1. Officially recognized enforcement consideration based on a participant's track record
2. Relief from, or reduction of, some permitting requirements, such as CGP application fees, for participants in good standing
3. Official Division participation in CSEP awards and recognition programs
4. Well-publicized enforcement actions against those in the building industry that are found to be out of compliance, leveling the industry playing field for those that choose to be in compliance.
5. Regular opportunities for CSEP participants to interact with the Division and MS4 representatives
6. Seat on the CSEP Advisory Board for the highest performing participant
7. Division involvement in education and training programs to support and build CSEP program continuity and credibility
8. Official notice of CSEP participating projects on the Division website

During CSEP Pilot Stage II, items number 1, 3, 4, 5, 6, 7 & 8 were all implemented by the Division and the CSEP Board, either fully or to some extent as described below:

1. **Item 1** - Officially recognized enforcement consideration based on a participant's track record.

The Stormwater Civil Penalty Policy of the Division allows for a reduction of enforcement base penalties of up to 25% for participation in a Regularized and Comprehensive Environmental Compliance Program. **See Factor C in the Division's Stormwater Civil Penalty Policy**

The CSEP, when properly adhered to, meets the conditions for this base penalty reduction.

2. **Item 3** – Official Division participation in CSEP awards and recognition programs

The Division presented the participation awards during the CSEP Awards Ceremony that was held in conjunction with the AGC yearly Safety Awards in 2007 and 2008. The awards program was very well attended by industry. Two new CSEP participants joined the program as a direct result of the exposure during the awards ceremonies.

In 2007, two of the original CSEP Stage I Pilot participants, Fransen Pittman General Contractors and Waner Construction, were recognized by the CDPHE with the Bronze-Level Environmental Leadership Award. The recognition of these two companies was well publicized within the state, the AGC membership, and in the Colorado construction industry and served as a positive example for other contractors.

3. **Item 4** – Publication of past and current stormwater enforcement actions

In 2007 the Division began publishing water quality enforcement actions on their website. Additionally, the AGC is referring members and others to the Division website to review current enforcement actions as a training tool. The enforcement policy and current WQCD actions can be found at: <http://www.cdphe.state.co.us/wq/enforcement/index.html>

Although only anecdotal, there is good evidence that making this data readily available has a strong influence on the construction industry's interest in meeting permit compliance expectations.

4. **Item 5** - Regular opportunities for CSEP participants to interact directly with the Division.

A meeting was held by the Division for all CSEP participants at the AGC in June of 2007 to answer questions about the changes to the CGP due to the permit renewal effective July 1, 2007. Two representatives of the Division Permits Unit attended the meeting along with eighteen CSEP participant representatives. The meeting was very informative and the written information the Division provided was also widely distributed to the entire AGC membership. An article was published in the widely read AGC monthly newsletter outlining the more significant upcoming changes to the CGP.

The Division also offered a priority phone response to the CSEP Participants when they called with questions. A number of CSEP Participants have reported to the AGC that the Permits Unit has indeed been very responsive and supportive when called although it also may be that this is the standard response from the Permits Unit for all permit holders.

5. **Item 6** – Seat on the CSEP Advisory Board for the highest performing participant.

Fransen Pittman General Contractors consistently received the best performance scores of all participants in Pilot Stage 1 as well as during calendar year 2006 and as a result held the industry representative seat on the CSEP Advisory Board in calendar years 2006 and 2007.

Fransen Pittman's participation and input into the formation of the CSEP policies and procedures was important and, because of their industry credibility, helped gain the acceptance of the CSEP with many others in the industry.

6. **Item 7** - Division involvement in education and training programs to support and build CSEP program continuity and credibility

In 2009, the AGC developed a standardized, comprehensive compliance methodology (CSEP Method) for the Colorado and EPA Stormwater CGP in conjunction with their 2.5-day Advanced Stormwater Managers training course. The Division reviewed the CSEP Method course curriculum prior to first offering of the training class and provided feedback that was incorporated into the training. A representative of the Division also attended one of the early advanced training courses offered by the AGC.

The CSEP Method and associated advanced training provides participants with all of the systems and tools needed to understand and achieve CGP compliance whether operating within the CSEP or not.

7. **Item 8** - Official notice of CSEP participating projects on the Division website

The Division, prior to the start of the CSEP, already provided a website location available to the public that listed all CDPS permit holders and their permit general information and status. In late 2006, the Division added a designation to the existing public information to denote those permit holders and projects that were participating in the CSEP. This additional designation served to inform the general public and those in the construction industry that the Division placed credibility in the CSEP and increased interest in the program.

The Division and the CSEP Advisory Board achieved the majority of the incentive goals for CSEP Pilot Stage II as established at the completion of CSEP Pilot Stage I.

An additional incentive identified as important by most stakeholders was having the CSEP officially supported and recognized by the EPA Region 8. Participants and their trade association representatives would, for example, like the previous Memorandum of Understanding regarding the CSEP to be extended and revised to better clarify the relationship of the EPA with regard to those stakeholders operating in good standing within the CSEP.

II.A.4 - Corporate Commitment

Two added rules for CSEP Pilot Stage II improved the corporate commitment of the participants. Corporate commitment is the first of five guiding principles of the CSEP and is vital to long-term compliance success and ongoing improvement.

First, benefits of participation in the CSEP, beyond that of compliance improvement (see II.A.2 above), are now only available to those companies that commit to full company-wide participation with all permitted projects in the state. Individual projects were allowed to participate in the CSEP but without formal recognition. The scores used to award some incentives were based on the company average of all their permitted projects in the State.

Second, a minimum commitment period of one year was required, along with a mandatory waiting period to re-enter the CSEP should a company prematurely drop out. Participants had to carefully examine their level of commitment before they voluntarily enrolled in the CSEP. As a result, there were no contractors who prematurely dropped out of the program. These two rules added the needed stability to the CSEP. If incentives play an even larger role in CSEP, these rules will serve to level the playing field for participants competing for incentives, especially as the incentives become more valuable. It should also create a longer-term focus for CSEP participants by placing a greater emphasis on continuous improvement.

II.A.5 – CSEP Emphasis on Pre-planning

During CSEP Pilot Stage I, it became evident that participants and the industry in general were lacking adequate training opportunities specifically tailored for the needs of estimators and pre-construction personnel. The focus of most construction stormwater training classes in Colorado was on defining the basics of soil erosion and sediment control and on clarifying the State's expectations for permit compliance. While these classes were beneficial to Estimators, little training was offered about how to prepare an adequate SWMP and even less on how to establish an adequate SWMP budget.

Most contractors had no way to accurately track stormwater field compliance costs or provide useful costing data to their estimating staff to improve budgeting for future projects. Consequently, most estimating staffs continued to approximate stormwater compliance costs with limited understanding of what was actually required to maintain compliance. With no historic basis for their estimates, many Participants were repeatedly failing to provide adequate resources for the field personnel responsible for SWMP implementation. Through the ongoing CSEP monthly audits it became clear that inadequate budgets and uneducated Owners were two of the leading industry problems that contributed to poor permit compliance.

In June 2006, the first class was offered through the AGC to the Colorado construction industry that was specifically tailored to pre-construction personnel. Due to the popularity of the course, it has now been provided fourteen additional times both through the AGC and upon the request of individual companies. The focus of the training is on the following:

- The risks of non-compliance
- Overview of the CDPS Construction Stormwater field compliance requirements
- How to educate Owners early in the construction process about the requirements of the CDPS Construction Stormwater Permit and the Owner's potential for shared liability should contractors fail to comply
- How to evaluate an existing SWMP for adequacy in meeting all of the conditions of the permit and how to prepare a SWMP from "scratch"
- A standardized six-step budgeting process for accurately estimating the costs of stormwater compliance from SWMP preparation to permit termination.
- How to prepare subcontracts that encourage job-wide participation in the compliance effort, including language that provides general contractors the ability to enforce project compliance standards when appropriate.

In addition to the aforementioned pre-project start-up planning, the USMS weekly field compliance process was modified to incorporate a strong emphasis on weekly preplanning in the field. The USMS 23-step field compliance process requires that construction activities be analyzed the week prior to their initiation

and that SWMP Administrators determine the pollution sources that may be added for each activity. Each pollution source is then evaluated to determine the appropriate BMPs that will be employed to prevent a discharge and the SWMP is updated. BMPs are then installed per the SWMP updates prior to starting the construction activity.

II.A.6 – Outside Third-Party Inspections

No changes were made in the requirement for outside third-party inspections as it was demonstrated in CSEP Pilot Stage I that they were essential to the effectiveness of many of the program elements.

CSEP Advisory Board oversight inspections were added to the Pilot Stage II program to monitor the performance of the Construction Reviewers. The Board created and implemented an Oversight Inspection Policy and Procedure draft during the Pilot Stage II as noted in II.A.2 above.

II.A.7 – Environmental Impact Scoring System

Minor modifications to the performance scoring system were made immediately following Pilot Stage I. The revised CSEP scoring system for Pilot Stage II scored the potential environmental risk of observed Stormwater Construction Permit violations the same on initial inspections as on follow-up inspections using a scale of one to five with one being the least risk and five being the greatest.

The new E-Impact scoring was more objective, simpler for inspectors to use and easier for participants to understand and it still allowed assessment of a participant's responsiveness to observed violations.

Subsequent changes in 2008 to the compliance documentation system used by the CR provided the ability to quickly verify the compliance level of each BMP and pollution source on a site individually, and to document the compliance level of each aspect of the SWMP written narrative with respect to the CGP. The CSEP scoring system was adjusted to reflect the technological advances that allowed CRs to quickly verify and document the compliance percentage of every CSEP project with each inspection. A compliance percentage scoring approach was created that evaluated a participant project's performance based on the total number of potential compliance opportunities versus those that were neglected.

Additional technological advances allowed each finding from each CR inspection to be tracked indefinitely, corrective actions to be documented by the participants themselves in the CSEP database and corrective action response times to be tracked per finding. Participant compliance performance on projects can now be compared based on time, and as noted before, based on project complexity or the number of BMPs and pollution sources.

The Board will need to re-evaluate the compliance performance scoring systems based on these technological advances and the new information available and modify how Participant performance is evaluated. The E-impact score, in the meantime, remains a consistent performance measurement tool as the CSEP evolves.

II.A.8 – Photo Documentation

The Pilot Stage I Final Report recognized the importance of using photo documentation for each inspection finding. At the time Stage I began, photos were not widely used in the industry on voluntary compliance inspections due to the perception that it would put contractors in an unfavorable liability position with regulators should major problems occur on a project. However, the benefits of using clear communication to improve compliance quickly far outweighed the remote risk of having a photograph used against a contractor in a court of law. The reality is that few, if any, compliance actions actually go to court in Colorado where these photos could be subpoenaed by a Judge. The odds of having a serious enforcement situation occur while conforming to the requirements of the CSEP are even less likely.

Photo documentation will continue to be utilized to enhance communication of findings in the CSEP.

II.A.9 - MS4 as Critical Stakeholder

MS4s are playing an increasingly prominent and important role in statewide water quality protection. The CSEP is designed to support MS4 efforts and already provides numerous benefits to MS4s, however, even more can and should be done to expand the role of MS4s in the CSEP.

Currently, the CSEP inspection system database and inspection forms contain the regulations of all MS4s that have had a CSEP project within their boundaries. CSEP inspectors are trained to review the local requirements of the MS4 before they perform any inspection, and the MS4 regulations are cited when they apply to any violation observation, even if they mirror State regulations. CSEP inspectors educate participant field personnel about the MS4's requirements and reinforce the fact that corrective actions must be taken promptly on any MS4 inspection findings.

Although within the CSEP extensive efforts were made to incorporate program elements that support MS4 compliance efforts, more MS4 input is needed. MS4s should continue to have strong representation on the CSEP Advisory Board, and have significant influence in the administration of the overall program commensurate with their growing stormwater regulatory role.

III. Overview of the Public Private relationship

The CSEP is unique in that both public and private stakeholder participation is entirely voluntary and the private industry participants and third-party Construction Reviewers (CR) agree to subject themselves to a rigorous structure of monthly accountability and oversight. Also, no permit requirement concessions are offered by the regulatory community to encourage participation in the CSEP. The Participants, all CDPS construction stormwater permit holders, may be involved for a number of reasons but generally they want to improve their understanding of the permit requirements, improve compliance in the field, and avoid the potential of costly enforcement actions due to non-compliance.

The regulatory stakeholders in the CSEP benefit from the improved compliance that comes from the increase in Participant on-the-job training during the monthly CR inspections. Increasing this project-level oversight and instruction through the CSEP provides great benefit to compliance and continual compliance improvements. In addition, minimal regulatory agency resources are required to support the CSEP other than enforcement of permit requirements with those that are not participants in the program. Enforcement activities performed by regulators has the effect of “leveling the playing field” by minimizing the economic benefit of those not making adequate compliance efforts, and encourages compliance achievements.

IV. Structure of the CSEP

i. Organization Chart

The CSEP organization chart can be found in Appendix ?? The structure of the organization is divided into three major sectors; regulatory, private, and the CSEP Advisory Board. At the end of CSEP Pilot, Stage I, it was determined that a rulemaking and governing body for the program was needed to provide fair representation for each CSEP stakeholder group. The CSEP Advisory Board was created in the beginning of Pilot Stage II in January 2006 and is the central body around which all CSEP functions are determined and reported on. In summary, the CSEP is organized as follows:

- a. **Regulatory Sector** - includes the Division, MS4s and the EPA (when involved). The Division (NPDES permitting authority) chairs the Board. Non-Governmental organizations may eventually participate and would be categorized under the regulatory sector.
- b. **Private Sector** - includes Trade Associations (CSEP Administrator), Participants and CRs.
- c. **CSEP Advisory Board (Board)** - governing body of the CSEP, establishes and approves all CSEP policies and procedures, determines awards and recognition, final authority in dispute resolution

ii. Division (NPDES permitting authority)

1. Roles and Responsibilities

The Division determines whether the CSEP is officially recognized as a sanctioned program. The Division provides direction and support to the Board and clarifies permitting requirements to assure the program is meeting Division standards and expectations and is serving the public interest of improving water quality. As resources allow, the Division may also support CSEP training programs and other official CSEP functions such as awards and recognition programs.

iii. MS4

1. Roles and Responsibilities

MS4s provide feedback to the Board about local regulatory requirements and expectations as well as Participant performance as observed within their jurisdictions. Select MS4s (presently three) provide representation on the Board to determine CSEP policies and procedures and may be selected by larger MS4 associations to represent the larger group. MS4s are presently invited to participate in the Board upon the recommendation of the Division.

iv. Trade Association (CSEP Administrator)

1. Roles and Responsibilities

Trade Associations serve as the CSEP Administrators for the industry sectors they represent (See section II.A.1). Each Trade Association participating in the CSEP on behalf of their industry sector will have one position on the Board. As CSEP Administrators, Trade Associations must provide or oversee the following functions for their member participants to have representation on the Board:

- a. Actively promote CSEP participation to their membership
- b. Read, understand and agree to support all CSEP Board-approved policies and procedures
- c. Promote and facilitate Board-approved CSEP training and education programs
- d. Distribute Board-approved communications regarding the CSEP to their membership
- e. Participate in and contribute resources to CSEP awards and recognition programs as determined by the Board (in general proportion to the number of members they have participating in the CSEP)
- f. Coordinate the printing, distribution and retrieval of official Board-approved CSEP banners per the policies and procedures approved by the Board
- g. Coordinate and track the compliance performance of each member of their association using the CSEP database information entered by Board-approved CRs.
- h. Initiate disciplinary actions as determined by the Board-approved policies and procedures for Participant performance
- i. Settle disputes involving member participants or refer unsettled disputes to the Board for final resolution

v. Construction Reviewers (CR)

1. Roles and responsibilities

The CRs primary role is to accurately and thoroughly assess the NPDES compliance status of each CSEP project and report in a timely manner the compliance status to the Participant through the CSEP database. CRs are considered experts in all aspects of NPDES compliance and in auditing and inspection procedures. The CR must be familiar with and utilize all aspects of the CSEP inspection and data collection software, processes and procedures. The CR must also be an expert in the implementation of the USMS and be able to identify and communicate to participants the root-causes of non-compliance using the standard analysis tools provided within the CSEP.

The secondary role of the CR is to provide compliance assistance to help Participants achieve continual compliance improvement consistent with the goals of the CSEP.

(See CR policies and procedures, Section VIII.ii, for specific requirements)

vi. Participants

1. Roles and responsibilities

Participants must adhere to the minimum Board-approved compliance performance goals, policies and procedures, and ethical standards (See Participant policies and procedures, Section VIII.i, for specific requirements)

vii. CSEP Advisory Board

1. Roles and responsibilities

The CSEP Advisory Board (Board) is the governing body of the CSEP and is responsible for maintaining the integrity and credibility of the program for all stakeholders. Specific roles include:

- a. Oversight inspection review
- b. Create, manage and enforce CSEP Policies and Procedures
- c. Final authority for dispute resolution

V. CSEP Performance Standards and Reporting

i. Construction Reviewer Inspections

Monthly CR CSEP audits are performed per the policies and procedures outlined in the Appendices and approved by the Board. Audits must be conducted using the CSEP database inspection system and the USMS audit questionnaire.

ii. Board Oversight Inspections

The Board has oversight authority to review the performance of the CRs using any means authorized by the Board

iii. Participant Performance Standards

1. Minimum CSEP Compliance Levels
2. Failure to maintain CSEP performance levels

VI. CSEP Awards and Recognition

(Needs to be Determined)

VII. Timetable to move from CSEP “Pilot” to permanent program status
(Needs to be determined)

VIII. CSEP Policies and Procedures

The Board determines all CSEP policies and procedures and has the sole authority to revise them as it determines is in the best interest of the program. Policies and procedures may be updated frequently by the Board and current renditions are available though the CSEP Administrator or the Board upon request. It is the responsibility of each CSEP stakeholder to be familiar with the current policies and procedures.

- i. Participants (See Attachment A)
- ii. Construction Reviewers (See Attachment B)
- iii. CSEP Advisory Board (under development)
- iv. Oversight Inspections (under development)
- v. MS4s (under development)
- i. CSEP Administrator (under development)

The extent of the program benefits to CSEP Participants have not been studied as far as compliance improvement when compared to those companies that are not in the program. Future studies can and should be conducted to determine the actual level of compliance of the majority of construction and development companies who are not involved in a compliance excellence program such as the CSEP using the same measurement system. It is however universally agreed that one major benefit of the CSEP is the increased amount of outside oversight and intensive training provided by the third party monthly and follow-up job-site inspection, all at very little cost to the regulatory community.