**Colorado Stormwater Excellence Program (CSEP)**

**Construction Reviewer (3rd Party Inspector)**

**Policies and Procedures**

May 7, 2013

Revisions:

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# Role of Construction Reviewer in CSEP

# The Construction Reviewer (CR) plays a central role in the Colorado Stormwater Excellence Program (CSEP). The CSEP Advisory Board (Board) recognizes that the success of the CSEP in improving water quality in our state hinges on the integrity and reliable performance of the CR. The CR is retained by CSEP Participants to perform many critical CSEP functions including providing compliance assistance and compliance assurance services to the Participant and accurate program performance data to the Board. The CR is recognized as the most difficult administrative role in the CSEP because the CR must be accountable to and serve both their Participant/Client and the Board.

# The primary roles of the CR are as follows:

* + 1. Build the integrity and credibility of the CSEP throughout industry, the public and the regulatory community.
		2. Represent the interests of Participant clients by providing them:
		3. Accurate, relevant and timely field compliance assistance and/or training;
		4. Accurate and unbiased field compliance assessments by performing third party inspections, including timely reporting; and,
		5. Access to, and training in, the use of the Uniform Stormwater Management System (USMS) EMS-based project compliance system.
		6. Adhere to the Board approved Policies and Procedures for Construction Reviewers **(See Attachment A).**

The CSEP is based on voluntary industry participation by both regulated participants and unregulated CRs in a highly accountable, structured, industry self-policed program. CSEP Participants must contract directly with Board approved CRs to obtain the CSEP endorsed compliance assurance and assistance tools including the required monthly outside third-party inspections. Participants may choose any Board approved CR that best serves their company’s compliance needs and may contract with more than one approved CR. Participants may also change CRs for any reason. Successful CRs will provide competitive, high value services to CSEP participants

1. **CR Approval Process and Qualifications**
	1. **CR Must Be Qualified**

CRs must have the skills and tools to perform comprehensive and accurate assessments of the adequacy of stormwater management practices at construction sites. They must possess a high level of knowledge of local, state, and federal stormwater permit requirements and be familiar with construction industry best management practices to be able to provide useful compliance assistance to construction site operators. A CR must understand and be proficient in the implementation of the USMS

* 1. **The Board has Sole Authority**

The Board has the sole authority to approve CRs for participation in the program. The Board will individually evaluate the qualifications of all persons or companies that apply for approval to perform as a CR on behalf of the CSEP.

* 1. **Board Approval Process**

As part of the Board approval process, after complying with the minimum requirements described in V below, a prospective CR must submit at least three examples of their work product to the Board for evaluation. The work product will be in the form of completed initial jobsite inspections. The prospective CR must utilize the standard CSEP systems and reporting tools when submitting their work product for Board evaluation. The prospective CR will obtain at their cost the security access and training necessary from the CSEP Administrator to operate and utilize the CSEP systems and tools including the reporting database.

* + 1. The Board will base CR approval on, among other things, the ability of the CR to utilize the CSEP systems and tools including the standard inspection process to report the compliance status of CSEP projects accurately and consistently.
		2. CRs must have attended the USMS Advanced Stormwater Manager training course and receive the certification from the CSEP Administrator. CRs must demonstrate proficiency in teaching the theory behind and implementation of the USMS approach to Participants in the field or in the classroom.
	1. **Companies That May Apply for CR Status**

Companies that apply to the Board for CR status must have at least one person employed at all times that meets the CR minimum requirements listed in Section V.1, below. This person will be regarded by the Board as the CR Qualified Representative for the CR company and will be responsible for any other CR staff inspector(s) that perform CSEP inspections on the CR company’s behalf. CR Qualified Representative will perform quality checks on at least the first 50 initial inspections performed by any staff inspector prior to allowing these inspections to be distributed to CSEP participants or before registering the reports in the CSEP database. The quality check function is built into the database reporting system and may be manually turned off by the CR Qualified Representative after the first 50 initial inspections have been completed by the staff inspector,

* + 1. Any change to the CR Company’s CSEP Qualified Representative will require immediate notification in writing to the Board and will also require re-approval of the CR by the Board. The Board will not consider economic concerns as a factor in determining the appropriateness of any CR Qualified Representative replacement. Each CR Staff Inspector(s) performing required third party inspections shall meet the qualification requirements listed in Section 5.2, below.
		2. The CR shall have the option of using a contract inspector or sub-consultant provided that they meet the minimum CR Staff Inspector qualifications. It remains the CR Qualified Representative’s responsibility to ensure adequate oversight of the inspections and inspection reports generated by the sub-consultant. The CR Qualified Representative remains responsible for all activities performed by any sub-consultant acting on their behalf. CRs may be subject to Boardactions, including revocation of Board approval as a result of their sub-consultant’s activities.

# CR Oversight by Board or CDPHE

* 1. CRs are subject to Board or CDPHE oversight inspections. Unannounced oversight inspections may be performed on CSEP projects by the Board or their agents to assess the CR’s adherence to approved policies and procedures, confirm the level of USMS implementation by the Participant, verify the accuracy of inspection reporting and to maintain the credibility of the CR inspection system. Targeted CR oversight inspections may also be performed by the Board or CDPE for any reason such as response to specific concerns the Board may have about the quality of CR services provided or due to participant, regulatory or community complaints or concerns of any nature.
	2. CR oversight inspections are expressly not for the purpose of determining Participant regulatory compliance levels to initiate regulatory enforcement actions.
1. **Revocation of CR Approval**

In accordance with the CSEP Board of Director Policies, the Board reserves the right to revoke approval of a CR to participate in the CSEP. Upon revocation of Board approval, the CR may no longer perform services on behalf of the CSEP and Participants will be notified of the CRs approval status. Inspections performed by non-approved CRs will not be recognized by the Board nor will they meet Participant requirements.

1. **Construction Reviewer Requirements**

All CRs must comply with the following requirements to participate in the CSEP program. These requirements are a prerequisite to submitting examples of work product to the Board for evaluation and initial approval as described in 2.a above.

* 1. **Minimum CR Qualified Representative Qualifications**

All CRs must maintain at least one staff that meets the qualifications of this subpart b of this section and have been approved by the CSEP Board as a CR Qualified Representative.

A CR Qualified Representative must meet the following requirements, as determined by the CSEP Board:

* + 1. Documented performance of at least 300 individual construction site stormwater quality compliance inspections;
		2. Thorough knowledge of CDPS permit requirements;
		3. Thorough knowledge of principles of erosion and of sediment control, erosion and sediment control Best Management Practices (BMPs) and material management BMPs for construction sites;
		4. Thorough knowledge of the USMS compliance approach for construction projects including receiving the USMS Advanced Stormwater Manager Certification; and,
		5. Strong history of professional integrity
	1. **Minimum CR Staff Inspector Qualifications**

All CR Staff Inspectors performing third party inspections must meet the qualifications of subpart b of this section. The qualifications of all CR Staff Inspectors must be documented by the CR Qualified Representative and be made available to the CSEP Board upon request. A CR Staff Inspector must meet the following requirements, as determined and documented by the CR Qualified Representative:

* + 1. Documented performance of at least 100 construction site stormwater quality compliance inspections;
		2. Working knowledge of principles of erosion and sediment control, erosion and sediment control Best Management Practices (BMPs), and material management BMPs for construction sites to perform review for compliance with CDPS requirements under supervision of a CR Qualified Representative;
		3. Thorough knowledge of the USMS compliance approach for construction projects including receiving the USMS Advanced Stormwater Manager Certification; and,
		4. Strong history of professional integrity.
1. **Performance of CR Inspections**

The CR shall perform the required third party inspections for the CSEP Participant(s) for which they are acting as the CR.

If the CR can not perform the required third party inspections completely or in accordance with the required schedules in the CSEP Participant Policy due to failure of the Participant to provide access or otherwise comply with the CSEP Participant Policy, notification must be provided to the CSEP Administrator in accordance with Section 5.

1. **CSEP CR Inspection Reporting**

All CR inspections must be entered and stored in the Board-approved ComplianceWISE CSEP Reporting Database. CRs are responsible for acquiring, at their cost, the training necessary to operate the CSEP Reporting Database from the approved database provider. CRs are responsible for paying usage fees for the CSEP Reporting Database. All CR Inspection reports must contain the required information for entry into the CSEP Reporting Database, including, but not limited to:

* 1. Clear description of findings, including violations of any CDPS permits held by the site and of any applicable local stormwater quality rules. Finding shall include:
		1. Failure to obtain coverage under applicable CDPS discharge permits and/or local stormwater quality permits.
		2. Inadequacies of any Best Management Practice (BMP) implemented at the site in accordance with good engineering, hydrologic and pollution control practices, including locations and recommended corrective actions.
		3. Any inadequacies of records required by CDPS permits and/or any applicable local stormwater quality requirements to include the entire SWMP (narrative and site maps), locally required stormwater quality plans, and inspection records.
		4. Clearly labeled photos of items described in the findings, as applicable.
		5. Sufficient information to allow for the CSEP Board to determine the completeness of the third party inspection upon completion of an oversight inspection in accordance with the CSEP Oversight Policy.
		6. Implementation of the CSEP Board approved scoring procedures, including assessment of an E-Impact score and compliance percentages. See CSEP Performance Scoring System.
		7. Timely review of all Participant corrective actions entered into the CSEP database. Review may be performed on-line by the CR when Participant provides adequate information in the corrective action portion of the findings to assess status.
		8. The CR must utilize the USMS evaluation form to assess the level of system implementation on each Participant project and enter results in the CSEP Database.
		9. The CR is responsible for implementing internal procedures to ensure that all third party inspection reports they produce maintain quality standards as prescribed in the CSEP Oversight Policy.
1. **Reporting of Participant DeviationsfromCSEP Participant Policy**

The CR shall report to the CSEP Administrator within 24 hours of discovering the following failures of a Participant to comply with the CSEP Participant Policy:

* + 1. Failure to achieve the basic CSEP standards as defined in the CSEP Performance Scoring System Policy
1. **Self-Reporting of CR Deviations of CSEP Construction Reviewer Policy**

The CR shall self-report any failure to follow the requirements of this Policy to the CSEP Administrator within five (5) days of the occurrence. Deliberate or intentional failure to self-report known deviations from approved CSEP policies and procedures may be cause for revocation of CR approval by the Board.

1. **Duty to Accurately Represent the Program**

The CR shall provide accurate information to all current or potential participants as to the requirements and benefits of participation in the CSEP. The CR shall in no way imply that the CSEP will provide immunity from applicable State, Federal, and local rules and regulations. The CR will accurately communicate official Board-approved participation incentives, as applicable.

1. **Definitions**
	1. **Construction Reviewer (CR):** An impartial and independent third-party inspection company or individual, hired by a participant, that is not directly affiliated to that participant through any employment agreement as defined by the Division of Labor, and who receives CSEP board approval.
	2. **Construction Reviewer Qualified Representative (CR Qualified Representative):** Any person knowledgeable in the CDPS Construction General Permit, all applicable local requirements and the USMS that receives Board approval to act on behalf of a CR including supervision of other staff inspectors for that CR.
	3. **Construction Reviewer Staff Inspector (CR Staff Inspector):** Any person acting on behalf of the CR who meets the Board requirements for a staff inspector and who is directly supervised by the CR Qualified Representative.
	4. **CSEP Advisory Board (Board):** A group of persons appointed by the CSEP Administrator (AGC Colorado Chapter) to manage the operations of the CSEP. The Board has the authority to make decisions on behalf of the CSEP Administrator including the implementation of, or changes to, the CSEP policies and procedures. The Board has the authority to approve or remove CSEP CRs and Participants and to define minimum standards of performance for both.
	5. **CSEP Administrator:** The AGC Colorado Chapter (AGC/C) was approved by CDPHE to operate as a “Stormwater Program Administrator” under the requirements of HB11-1026 legislation signed into Colorado law in May 2011.

* 1. **CR Inspections:** Inspections performed by the CR, at a frequency dictated by the Board (presently monthly), to evaluate participant compliance with State and local construction stormwater permit compliance levels.