HOW TO DESIGN AND KEEP YOUR CONSTRUCTION PROJECT IN COMPLIANCE | APRIL 26, 2022

Does your design account for pollution prevention on construction sites? It should, and this webinar helps private designers improve their SWPPPs and erosion control plans to ensure your project controls pollution and remains in compliance with state and local requirements.

You'll get a taste of what reviewers want to see on your project's SWPPP and erosion control plan to earn approval. Detailing temporary water quality, flow control, and the sizing and selection of best management practices (BMPs) will be the bode of confidence for your reviewers. This webinar will go over the broad techniques in finding and applying the details your project will need, coupled with a few examples.

WEBINAR QUESTIONS & ANSWERS

Can you use the right-of-way for settling tanks?

Answer: You can, depending on the size of your site. A typical footprint for a tank is 15 feet by 40 feet; if you demonstrate that your site is small enough and cannot accommodate the construction activities without additional space for the settling tank, your jurisdiction may allow you to use the right-of-way for staging the setting tank. Contact the Authority Having Jurisdiction over your project to understand their requirements.

If staging in the right-of-way with no storm drainage network, check with the Authority Having Jurisdiction over your project if your project needs to discharge stormwater to the sanitary sewer; your project would then need to apply for a sewer discharge permit. For example, in King County, you or your contractor would need to receive approval from the King County Department of Natural Resources under the Industrial Waste Program, and you may potentially need permission from the local city or other incorporated entity having jurisdiction over your project.

You say that delays and penalties can be triggered by not following BMP guidance or supplying necessary BMPs, what do you mean by 'fines' and 'cost recovery'?

Answer: From the perspective of the City of Kirkland, we have a spill response team and a full-time employee that specializes in working with our Code Enforcement staff to levy fines. Our municipal code has a matrix that equates violations, number of times, or severity, to a dollar amount. That's just as a discipline or deterrent from future violations. We also need to recover the cost from the work our laborers are doing to clean up a construction pollution spill. Honest work and reporting a spill can remove the 'fine' component, but the material and labor costs can be lawfully recouped. Stop-work orders are another cost that is a bit squishier. What is the cost of delaying work because BMPs weren't provided or sized properly? Are there change orders associated with that? Stop-work orders could be a minor or a major block to a project.

What if my site is really complicated but too small to have the guidance of the Ecology SWPPP template and I don't want to be too prohibitive to my client by suggesting a large amount of BMPs need to be stocked or sized for?

Answer: You as the designer are only putting the contractor's best foot forward. Remember, don't throw spaghetti at the wall. But if your site walk has shown your soils have high erosion potential, be that due to slope, landslide hazard, liquefaction potential, or poor upstream management offsite, you should have upstream and downstream control to address this, regardless of size. For example, violating the turbidity threshold of 25 NTUs does not take a huge multi-acre site; a small 500-square-foot addition can trigger this violation if sediment is not properly controlled. The contractor can do what is needed on their end if they have addressed a similar problem differently in the past. If you have confusion, email your reviewer of the project to the municipality you're submitting to. We can't "design" an aspect of your project, but we can be suggestive and more helpful than you think. That's why cities and municipalities have folks that specialize in stormwater. We want to help.

You say to 'explain it' when it comes to something that wouldn't be applicable to a project's SWPPP. Can you give an example?

Answer: Sure. Let's take temporary flow control. If you intend to disperse water over a large field as your management for releasing stormwater after settling out sediment in a tank or pond, tell me that. Tell me "it's not going into the storm drain, it's dispersing over this grass. I have this much flow, and this much space to disperse. Per the (insert code of choice) it says I'm allowed to do that. The velocity is only (blank) so I don't need outfall protection." And a reviewer would see those two or three sentences and say "okay, awesome they have a plan". That's it. That way if an inspector comes by and sees something isn't in place, they don't need to glean the code to see who, or if, someone's messing up. They look at the SWPPP and see the site is in compliance and say "okay". If it turns out something needs to be changed, the SWPPP is updated by the contractor, but at least you lay a paper trail, albeit small. You put your best foot forward and tried to save resources. We don't want to be prohibitive; we want to employ precisely the right amount of stormwater management (remember: with some contingency in the SWPPP and onsite).