Construction Site Run-off Control – MCM #4

Part II.C.b.4.

Responsible Person:

Identify the responsible person(s) for implementing this MCM. There may be more than one person or different departments responsible for various projects. If so, discuss.

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18.b. Title: Associate Director of Design and Construction
18.c. Department: Construction Services
18.d. Address: PO Box 6570, Morgantown, WV
18.e. Phone number: 304 293-3625
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18.a. Name: Michael L. Trantham
18.b. Title: Interim Environmental Water Quality Specialist
18.c. Department: Environmental Health and Safety
18.d. Address: PO Box 6551, Morgantown, WV
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18.g. Is another entity sharing responsibility for this MCM? If so, who?
WVU’s Morgantown area campuses lie in three municipalities which are also MS4s: Morgantown, Star City, and Westover. The vast majority of the WVU campus lies in Morgantown, which is the focus of the discussion in this SRA. The Morgantown Utility Board (MUB) is the local entity that administers the Construction Site Runoff Control Program for the City. It is our understanding that Westover and Star City both hire third parties to oversee their Construction Site Runoff Control Program.

WVU is also under the authority of DEP regarding construction site run-off control. Below is a description of how WVU’s Design Guidelines and Construction Standards reference the authority of MUB and DEP over construction site runoff plan review, inspection, and enforcement.

Section 334100 of the WVU Design Guidelines and Construction Standards includes the following two statements:

- All new work, taking place within the City limits of Morgantown or in watersheds feeding the City of Morgantown, shall be in accordance with the article 929 of the Morgantown City Code.

- Projects which propose disturbing 3 acres or greater area must submit a site registration application according to the West Virginia Department of Environmental Protection (WVDEP), Division of Water Resources. Projects which propose disturbing less than three acres should submit a Notice of Intent according to the guidelines stipulated by the WVDEP.
Section 929.20 of the Morgantown City Code states:
(b) All new developments and redevelopment projects within the City watershed shall include stormwater management plans and comprehensive drainage plans [which include Sediment and Erosion Control measures] as described in this section. These plans shall be subject to the review and approval of the [MUB] Director.

(c) The following activities shall be exempt from the requirements of this section, except that no activity shall be exempt from the management of the discharge of sediment or any other form of water pollution that may leave any parcel or site.
   (1) Agricultural land management activities;
   (2) Additions or modifications to existing detached single-family dwellings of a size less than 1,000 square feet; and
   (3) Activities that result in impervious surface area of less than 3,000 square feet

(k) New construction or reconstruction shall be permitted only after temporary or permanent erosion and sediment control management practices have been placed and are operational to the satisfaction of the Director. The Director may halt construction, void a permit, or take other enforcement actions consistent with this section upon a finding of inadequate erosion and sediment control management practices upon a site or property subject to the provisions of this section.

(l) All active construction sites shall be inspected by the owner no less than weekly and within 24 hours after a 0.25 inch rain event to ensure and verify effective erosion and sediment control. The owner shall maintain records of these inspections. The Director may halt construction on properties that do not provide satisfactory proof of compliance with this requirement.

Section 929.30 of the Morgantown City Code states:
(1) Cease and Desist orders. When the Director finds that a discharge has taken place or is likely to take place in violation of this article, the Director may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall:
   A. Comply with the requirement;
   B. Comply with a time schedule for compliance; and/or
   C. Take appropriate remedial or preventive action to prevent the violation from recurring.

WVU will develop a Plan of Action within one year of SWMP approval (BMP 4-1). This Plan of Action will define the plan review, inspection, run-off control measures, and enforcement responsibilities of WVU, the local municipality, and DEP.

**Control Objective and BMPs**

18.h. State your overall objective for this minimum control measure.
To create and implement a program to reduce pollutants in stormwater runoff from construction sites and land disturbance activities.

18.i. State and describe your BMPs. Indicate which BMPs are part of your existing program. Table 4.1 describes the actions WVU will carry out to implement its Construction Site Runoff Control Program. Successful implementation of these BMPs will lead to the minimization or abatement of unpermitted, non-stormwater discharges from the MS4 from construction site activities.
<table>
<thead>
<tr>
<th>ID</th>
<th>BMP</th>
<th>Measurable Goals and Milestones</th>
<th>Months After SWMP Approval</th>
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<tr>
<td>4-1</td>
<td><strong>Define Authority.</strong> Develop a Plan of Action that defines authority for erosion and sediment control plan review, site inspection, and enforcement at construction sites with land disturbance activities of one acre or greater (§4.a). Complete the Plan of Action for Construction Site Run-off Control Program that defines WVU authority, municipal authority, and DEP authority. The Plan of Action will be consistent with the West Virginia Erosion and Sediment Control Best Management Practices Manual (§4.a.i), require site operators to obtain WV DEP DWWM permit approval (§4.a.ii), and require site operators to manage construction site waste (§4.a.iii). Define funding source to inspect and enforce control measures (§4.a.vii). Review the Plan of Action and update as necessary. <strong>Milestone – Consider stakeholder input and begin drafting the Construction Site Run-off Control Plan of Action.</strong> <strong>Milestone – Consider WVU’s Plan of Action that defines Construction Site Runoff Control Program procedures for projects disturbing less than one acre (§4).</strong></td>
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<td>4-2</td>
<td><strong>Develop Procedures.</strong> Develop Construction Site Run-off Control procedures for erosion and sediment control plan review, site inspection, and enforcement at construction sites with land disturbance activities (§4.b. i – iii, v). Complete the Construction Site Runoff Control Program procedures, including the creation of a checklist with necessary steps to take a project from initial concept through to site stabilization. Incorporate elements of the Construction Site Run-off Control Program into the Design Guidelines and Construction Standards where applicable. Implement completed procedures. <strong>Milestone - Begin drafting the Construction Site Runoff Control procedures to control construction site runoff.</strong></td>
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<td>4-3</td>
<td><strong>Train Staff.</strong> Train staff on site review, inspection, and enforcement procedures (§4.b.iv) (BMP 1-2). Complete training of staff that will perform review, inspections, and enforcement at construction sites. Refresh staff training. <strong>Milestone - Identify staff that will perform review, inspection, and enforcement activities.</strong> <strong>Milestone – Obtain, develop and/or compile a set of educational tools to utilize to educate appropriate staff on construction site runoff control plan review, site inspection, and enforcement activities.</strong></td>
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<td>4-4</td>
<td><strong>Contractor Education.</strong> Provide educational and training measures for construction site operators (§4.a.ix and 4.b.iv) (BMP 1-8). Create and provide a list of the educational materials and training sessions contractors must complete on their own before working on WVU campus. <strong>Milestone - Determine the construction site runoff control concepts and establish standards that contractors should understand and implement based on their job functions.</strong></td>
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<td>4-5</td>
<td><strong>Contracts.</strong> Prepare language for the procurement process that describe contractor stormwater management responsibilities. (BMP 1-9). Develop language that specifies contractor responsibilities for proper management of construction site runoff. Within the Project Scope, contractors will be required to provide education on Construction Site Run-off Control to on-site employees. <strong>Milestone - Develop language within the scope of the procurement process for proper management of stormwater and sources of pollutants and work with WVU Purchasing and Procurement to implement use of the terms.</strong></td>
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MCM Components

Part II.C.b.4.a.
18.j. Do you have an Ordinance to control construction site run-off?
The current WVU Plan of Action that applies to construction site runoff control exists in WVU’s Design Guidelines and Construction Standards is the WVU equivalent to and Ordinance. http://facilitiesmanagement.wvu.edu/design_construction/construction_services

WVU will review and update the existing Plan of Action to control runoff from construction sites and land disturbance activities to meet the standards in the General Permit. As a newly-permitted MS4, the permit requires that WVU begin development of a Plan of Action within one year of SWMP approval (§4.a). The General Permit requires that the completion of the review, approval, and enforcement process for construction sites shall be in place within two years of SWMP approval (§4.b) (BMP 4-1).

The updated Plan of Action will contain the nine required components referred to in SRA §18.l below and will be consistent with the most recent version of the West Virginia Erosion and Sediment Control BMP Manual. The Plan of Action will include procedures for plan review, site inspections, and enforcement as listed in SRA §18.m through SRA §18.o below.

Part II.C.b.4
18.k. Does your program regulate disturbance of one acre or more and also less than one acre if part of a larger common plan? Does your Ordinance regulate disturbances of less than one acre? If so, what is the size threshold?

The WVU Design Guidelines and Construction Standards require that for projects with earth disturbance between one and three acres, WVU shall submit a NOI to DEP. For projects greater than three acres, the Design Guidelines and Construction Standards state that WVU should submit a site registration application to DEP (DGCS §334100.1.2.C).

The WVU Design Guidelines and Construction Standards also state that construction activities on campus “shall be in accordance with … the Morgantown City Code” (DGCS §334100.1.2.A). Morgantown reviews Stormwater Management and Comprehensive Drainage Plans, which include an erosion and sediment control plan, for construction activities resulting in at least 3,000 square feet of impervious area (§929.20).

Part II.C.b.4.a.i-ix.
18.l. Does your Ordinance contain the nine required components?
WVU’s Design Guidelines and Construction Standards already comply with components i (DGCS §334100) and iii (DGCS §311000). Upon completion, the Plan of Action will update these two components and include the other seven.
Part II.C.b.4.b.

18.m. Describe the plan review process for your construction site run off program.
WVU submits a NOI to DEP for earth disturbance one acre or greater and a SRA to DEP for earth disturbance three acres or greater. WVU also submits an E&S plan to MUB for sites that will construct greater than 3,000sf of impervious cover. WVU will begin drafting the Construction Site Run-off Control Plan of Action within 12 months of SWMP approval. The Plan of Action will include an update to the plan review process.

18.n. Describe the inspection process of your construction site run off program.
WVU Design and Construction employs several site inspectors and assigns a staff project manager for each construction project. It is the responsibility of these individuals to make sure that construction projects progress on schedule and per the approved plans. This includes implementation of approved erosion and sediment control plans. MUB also employs site inspectors with the authority to inspect construction sites. WVU will begin drafting the Construction Site Run-off Control Plan of Action within 12 months of SWMP approval. The Plan of Action will include an update to the site inspection process.

18.o. Describe the enforcement process of your construction site run off program.
WVU requires that contractors apply all pollution prevention measures included in the construction plans. WVU also relies on MUB to enforce erosion and sediment control plan implementation on construction sites. WVU will begin drafting the Construction Site Run-off Control Plan of Action within 12 months of SWMP approval. The Plan of Action will include an update to the enforcement process.

Part II.C.b.4.b.

18.p. Discuss how your program will address the regulation of both private and public sector construction site run-off.
WVU does not have jurisdiction of private construction sites. For WVU’s construction sites, WVU will refer site designers and contractors to its Design Guidelines and Construction Standards to promote the proper installation and maintenance of erosion control measures at construction sites. WVU will begin to update its plan of action and procedures to control construction site runoff within one year of SWMP approval. WVU will complete its Plan of Action and procedures within two years of SWMP approval (BMP 4-1).
Schedule

Part II.C.b.4.a.
18.q. The Ordinance shall be reviewed on an annual basis. Describe your Ordinance review and update procedures.
See Table 4.1.

18.r. If your Ordinance does not contain the standards required by the permit, provide a schedule for implementation and measureable goals for getting these components into your Ordinance. Include a mid-point and full implementation date.
See BMP 4-1, BMP 4-2, and BMP 4-3.

Tip: The components of your construction site runoff control program must include:
- Plan review and approval process for new development and redevelopment projects
- Inspection protocol
- Development of enforcement strategy
- Education and training for construction site operators
- Development of an application process.
- Record keeping for approved projects, inspections, and enforcement.

Measurable Goals

Part IV.A. & Part II.B.4
18.s. List and fully describe your measurable goal(s) for this minimum control measure.
See Table 4.1

Tracking

Part II.B.7.
18.t. Describe your plan for tracking activities associated with this minimum control measure.
See SRA §15.p

Evaluation

Part II.B.7
18.u. Explain how you plan to gauge the effectiveness of your Construction Site Run-off Control program.
WVU will appoint a stakeholder group to review the Construction Site Run-off Control Program annually. The stakeholder group will meet periodically to review data on the Construction Site Run-off Control Program and compare results to the measurable goals listed in Table 4.1. The stakeholders will make recommendations for SWMP revisions in order to direct resources most effectively.
The stakeholder group will gauge effectiveness of the program using one or more of the following methods:

- Timeliness of plan review as defined in the guidelines to be established in the Plan of Action.
- Timeliness of inspections after runoff events as defined in the guidelines to be established in the Plan of Action.
- Timeliness of inspections based on the standard frequency as defined in the guidelines to be established in the Plan of Action.
- An evaluation of the increased measure of awareness of stormwater impacts among all audiences on campus in relation to the number of complaints and the number of violations reported.