

2010 CASQA Stormwater Conference Abstract

Title: Public Enforcement of Contractor Compliance – *Sharing the Burden of Erosion Control Inspections*

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This presentation *has three basic learning objectives* for the attendee.

1. Learn how a Midwestern community leveraged the public involvement process when implementing their construction site erosion control protocol, enabling them to do more with less staff/budget.
2. Understand how to implement existing web-based technology to track weekly and event-driven erosion and sediment control inspections and provide the information to all involved parties, including the public.
3. Promote the concept of complete governmental transparency to improve erosion control through more regular and consistent inspections and remedial efforts to protect storm water quality.

Presentation Abstract:

Existing Challenge

The City of Madison, WI (estimated population 250,000) lacked sufficient staff to inspect all active construction sites on a weekly/after-rainfall basis as required to comply with erosion control permit requirements. With only two City inspectors assigned to erosion control inspection duties on over one hundred permitted annual construction projects, City leadership realized it could not administer construction site erosion control practices effectively.

This situation limited the City's primary construction site erosion control efforts to complaint response as a first priority, and routine site inspections as available. The City also recognized that weekly and after-rainfall construction site self-inspection requirements were not being fulfilled by permit holders, primarily because a system to monitor self-reporting did not exist.

Potential Opportunity

The City's engineering staff recognized the opportunity to share the burden of erosion control inspection with the permitted parties, if a system to administer dozens of contractors engaged on many active construction sites were available. This resulted in two goals for an improved erosion control program; 1) develop and enforce a system to effectively support erosion control site self-inspection requirements, and 2) provide residents with a system to enable "public enforcement of contractor compliance," and shift from a reactive to proactive program administration.

The Solution

The City teamed with SEH, Inc. to develop a web-based application (later named PermiTrack) to administer erosion control inspections and enable public access to erosion control permits, plans and inspection reports. Access is available to City staff and authorized users for inspection of permitted projects from any Internet accessible computer. Project information including permits, construction drawings and inspection reports is available via the City's public web site, which also offers the option to leave feedback directly to the permit holder and City staff regarding any active construction project, at any time.

Results To Date

Since May 2007, more than 500 projects have been established in the application, enabling City and permit holder staff to use the system for all inspections. Access to current active projects is available through the City's website. The program has increased the frequency of self-inspections and corresponding contractor attention to effective erosion control. Extremely wet weather in the spring of 2008 generated increased public reporting of construction site erosion through the web application. This resulted in prompt attention to resolve specific erosion issues. In addition, City staff time for inspections is still limited but more focused to address challenging projects proactively.

The program has since become the model for how municipalities can implement a low-cost solution to meet the EPA's mandate as laid out in a memo from EPA Administrator, Lisa Jackson to her Enforcement Deputy, Cynthia Giles. The primary objectives of the latest mandate identify the use of technology, stepped-up enforcement, improvement of compliance, and complete transparency of the stormwater program. A complete copy of the memo is available here:

<http://www.epa.gov/compliance/data/results/performance/cwa/jackson-ltr-cwa-enf.html>