

# CITY OF SOUTH PORTLAND

## CONSTRUCTION PROJECT OVERSIGHT PROCEDURES FOR LARGE LOTS (AN ACRE OR GREATER)

The following procedures were developed to provide guidance to the City staff responsible for ensuring that proper Erosion & Sediment Control (ESC) practices are used on construction projects that disturb an acre or more of land. These practices are specified in the [Maine DEP's Erosion and Sediment Control BMP Manual](#) and required by the [State's MS4 General Permit](#).

### A. PRE-APPLICATION

1. **Developer / Owner Notification:** provide developer / owner with overview of City's ESC requirements / expectations and links to relevant state guidance documents and regulations ([DEP ESC BMP Manual](#), [MS4 Permit](#), Chapter 500, [MCGP](#), etc.). If project will occur in shoreland zone, be sure to mention [state law](#) that requires excavation contractors to be certified by DEP for proper use of ESC practices.
2. **Design Consultant Notification:** if design consultant has been selected, provide same info as to developer / owner.
3. **Contractor Notification:** if project contractor has been selected, provide same info as to developer / owner. If project will occur in shoreland zone, be sure to mention [state law](#) that requires excavation contractors to be certified by DEP for proper use of ESC practices.

### B. APPLICATION SUBMITTAL / STAFF REVIEW

1. Relevant City staff (Community Planner, Engineering Inspector, Stormwater Program Coordinator) conducts careful review of ESC plan and provides comments that explicitly describe conformance with applicable guidelines and regulations.
2. Relevant City staff also reviews any applicable DEP permit conditions that may have been established for the project and retains these documents in commonly accessible electronic file folder for future reference.

### C. PLANNING BOARD REVIEW / CONDITIONS OF APPROVAL

1. Relevant City staff retains any ESC provisions identified as conditions of approval (especially contractor's signed certification that [Level One](#) or [Level Two](#) ESC requirements will be followed per [Planning Board Regulation #2](#)) in commonly accessible electronic file folder for future reference.

### D. PRE-CONSTRUCTION

1. Engineering Inspector schedules pre-construction meeting with developer / owner and contractor to review all documents and policies related to proper use of ESC practices for project (including retaining and following ESC plan, inspection forms and enforcement actions).

## **E. CONSTRUCTION**

1. Contractor (or subcontractor) conducts inspections of construction site on weekly basis and immediately following a rain event to ensure that ESC plan provisions are being implemented as specified.
2. City-appointed 3<sup>rd</sup> party inspector (3PI) conducts monthly inspections of construction site and reviews contractor inspections to ensure compliance with [Chapter 500](#) and [Maine Construction General Permit](#).
  - a. If deficiencies are identified by 3PI, inspections will be conducted on a weekly basis until construction site is fully compliant with applicable state regulations.
3. Engineering Inspector reviews findings of 3PI reports with contractor including corrective actions and time frame (usually 7 days) needed to remediate deficiencies resulting from deviations of ESC plan.
4. Engineering Inspector provides copies of 3PI reports to developer / owner and contractor.
5. Engineering Inspector retains inspection reports in commonly accessible electronic file folder for future reference and enters key report findings into City's Construction Project ESC Tracking spreadsheet.
6. If deficiencies identified by an ESC inspection reports have not been adequately remediated within the specified timeframe, the Engineering Inspector refers the matter to the Code Enforcement Officer (CEO) for the initiation of enforcement proceedings.
7. Enforcement proceedings will consist of the following:
  - a. CEO contacts developer / owner and contractor by phone to provide verbal notification that ESC deficiencies exist on site and must be corrected by date specified on most recent inspection report.
  - b. If the developer / owner and contractor fail to correct the deficiencies identified on ESC inspection report within specified timeframe, the CEO provides written notification (Notice of Violation) to both parties reiterating the nature of the violation(s) and ordering corrective actions (per Sec. 27-1332).
  - c. If the developer / owner and contractor do not correct the deficiencies identified in the CEO's Notice of Violation, the CEO contacts the Corporation Counsel to authorize the initiation of legal proceedings needed to enforce all applicable ESC requirements.
  - d. Per [Maine Statute Title 30-A §4452](#), the CEO is authorized to assess monetary penalties on a per-day basis from \$100-\$2,500 to the developer / owner and contractor for violations of the ordinance.
  - e. OPTIONAL: If the developer / owner and contractor do not correct the deficiencies identified in the CEO's Notice of Violation, the CEO notifies DEP that local enforcement actions have been initiated and that additional follow up enforcement actions by State may be needed to ensure compliance with local and State ESC standards.)

## **F. POST-CONSTRUCTION**

1. At the completion of the project, Engineering Inspector conducts final inspection to ensure that entire construction site is completely and permanently stabilized and that all temporary ESC practices have been removed.
2. Engineering inspector also conducts inspection of catch basins, drain manholes and sewer manholes to ensure that all structures are free of obstructions and will operate properly as designed.