

DATE: December 3, 2013

TO: Region Engineers
Region Associate Construction Engineers
Region Construction Engineers
TSC Managers
TSC Construction Engineers

FROM: Gregory C. Johnson, P.E.
Chief Operations Officer

Randel R. Van Portfliet, P.E.
Bureau Director of Field Services

SUBJECT: Bureau of Highway Instructional Memorandum 2013-14
Winter Construction Storm Water Inspection Reports

On March 6, 2013, the Michigan Department of Environmental Quality (MDEQ) issued revised procedures for winter construction storm water inspections. MDEQ will no longer accept “frozen ground” as a weather condition for determining construction site inspection frequency. On-site inspections must be resumed within 24 hours of any change in conditions that may allow runoff to occur such as construction operations resuming, rainfall, or warming conditions that will cause snow melt. Detailed weather conditions must be recorded on Form 1126 National Pollutant Discharge Elimination System (NPDES) and Soil Erosion and Sedimentation Control (SESC).

Michigan’s Public Act 451 Storm Water Construction Regulation 323.2190 requires that construction activities on sites one acre or greater in size with a point source discharge to waters of the state be inspected once per week and within 24 hours after every precipitation event that results in a runoff from the site. During inactive periods when a construction site has been temporarily stabilized and below freezing temperatures predominate, the Certified Storm Water Operator, without performing an on-site inspection, may certify on Form 1126 that weather and inactive conditions are such that runoff from the site will not occur.

Certified Storm Water Operator Procedures

1. In order to cease on-site weekly inspections during periods of inactive earth change activity during periods of time where discharges from the site are unlikely, each of the following must occur:
 - A. Ensure that earth change activity has ceased. Document this condition on Form 1126.
 - B. Confirm with an on-site inspection that the site has temporary soil erosion and sedimentation control measures implemented to minimize discharge of sediment from the site. Document this condition on Form 1126.
 - C. Document weather conditions. Weather conditions must be consistently below freezing and unlikely to result in runoff from the site. Document this condition on Form 1126.

Once conditions 1A, 1B, and 1C are met, subsequent weekly inspection documentation may be completed without a site visit by documenting weather conditions for the site location on Form 1126.

- 2. On-site inspections must resume if any of the following occurs:
 - A. Earth change activity resumes.
 - B. Weather conditions are such that snow melt runoff or precipitation in the form of rain is likely to leave the right of way.
 - C. Weather conditions are consistently above freezing for several days in a row and the possibility exists for surface runoff, an inspection would be required.
 - D. The site becomes unstabilized.
- 3. Once any of the conditions identified in 2A-2D occur, on-site inspections shall resume within 24 hours. On-site inspections must be performed weekly or within 24 hours of a precipitation event that results in a runoff from the site.

These MDEQ winter inspection requirements apply to all Local Agency Projects which are covered pursuant to the provisions of Michigan’s Permit-by-Rule (R323.2190) of Part 31.

Detailed Reporting of Weather Conditions Affecting a Construction Site

Warming conditions may result in runoff from the site. However, the ground may still be frozen. Typical weather condition documentation that is acceptable may be obtained from any reliable weather source. This documentation should include the reporting period and the high temperature and average for the week.

If you have any questions, please contact Tom Killingsworth, Resource Specialist, at KillingsworthT@michigan.gov or 517-322-6450.

Chief Operations Officer

Bureau Director of Field Services

FHWA approval: 11-22-13

BOFS:CFS:TK:mnn

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