

TO County Conservation Districts

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RE Site Inspections During COVID-19

On Friday, May 1, 2020 Governor Wolf allowed construction activities to resume in Pennsylvania. The Department of Environmental Protection (DEP) understands the challenges that maintaining social distancing while monitoring and inspecting presents. In order to monitor and ensure site compliance, DEP, the County Conservation Districts (CCDs), and permittees must be flexible in adapting to the current challenges. Virtual inspections provide an alternate way to monitor activities in the field. Permittees/co-permittees (permittee) are crucial cooperative partners in this process, which will maximally protect public and private employees and the local population. Some circumstances will require field follow up from a virtual inspection. This document is intended to provide suggestions as to how to conduct effective virtual inspections and suggestions where the virtual inspection is insufficient to protect the environment, public health and safety.

In conducting virtual inspections, CCDs may utilize video conferencing with site personnel to gather visual and concurrent narrative information as they conduct the inspection. For example, video conferencing enables the inspector to join site personnel on a virtual walking tour of all or part of the site. In order to make the virtual inspection more efficient, permittees may submit pictures, video, remote sensing, and aerial or satellite images, of the site activities prior to the inspection.

Staff should exercise caution when relying on static photo documentation alone to verify compliance; each review should be case specific. If there is an indication that there was intentional manipulation of support documentation (i.e. photos, videos, video feed, etc.), CCDs may schedule drive-by inspections. Drive-by inspections may be adequate to accomplish the mission of inspecting a critical and unresolved issue, particularly if threats to the environment, public health or safety are observed or indicated during the virtual inspection. For example, a drive by inspection can be done to examine sediment runoff from an unstable slope. Drive-by inspections are more protective of public health and can prevent physical contact with permittees. When drive-by inspections are not sufficient to examine specific critical issues, then in-person field inspections can be scheduled. The recommendations provided by the PA Department of Health to stop the spread of Coronavirus should be practiced, as applicable. CCDs may consult with the appropriate regional office regarding these follow up field inspections as necessary.

In advance of a virtual inspection with the permittee, inspection staff should prepare to make the experience as comprehensive and effective as possible. CCD staff should:

1. Review the plans, understand the site activities and compliance history of the site.
Determine the following:
 - a. primary focus of the inspection,
 - b. what questions can be sent to the permittee before the inspection,
 - c. what will be discussed during the inspection, and
 - d. for which items video or photos are needed.

2. Contact the permittee prior to the virtual inspection, and discuss the following:
 - a. Was the site closed under the Governor's Order?
 - b. Is there phone service and/or internet access at the site?
 - c. Does the permittee have video conference capability?
 - d. Ask the permittee to take photos of the conditions of the site, including all BMPs on the plans. Identify the photos that should be taken/submitted in advance of the inspection (such as perimeter controls, sediment traps/basins, bridges, culverts etc.).
 - i. Provide specifics to the permittee about what the photos must display in order to confirm compliance or identify issues, such as details regarding what should be in the photo and where the photo should be taken from. The number of photographs needed will vary with the size and/or length of work.
 - ii. In addition, the permittee should provide a map showing the location and orientation of each photograph, including an identifying number for the photo. The map should be sized appropriately to show relevant detail and the relative scale of the project to the surrounding area.
 - iii. The file name for each photo should include the identifying number and subject of the photo (example – 01-upstream, 03-lower-basin).
 - iv. The permittee should identify who took the photo to include first and last names, title and affiliation
 - e. Ask the permittee to gather and review any documentation that will be discussed during the inspection– this will reduce time spent during the inspection searching for these records. Permittees are required by their permit to provide, upon request, copies of any records that their permit requires them to keep. This requirement includes inspection and monitoring records.
 - f. Provide a deadline prior to the inspection to submit any requested documents/photos.
 - g. Determine a date for the meeting.
 - h. Provide an agenda prior to the inspection so all parties understand the expectations. This allows everyone to be prepared, understand expectations, and be respectful of time

- i. In the event that a permittee refuses to participate in a requested inspection or if they will only participate in a telephone conversation, please contact the DEP Regional Waterways and Wetland Program.
3. Contact the permittee at the appointed time (as previously arranged).
If available, use video conference meetings to conduct a face-to-face meeting and share real time views of the site for inspection. It is recommended that these video inspections be recorded. If the video inspection is recorded, provide explicit notification to the permittee. All applicable IT policies should be followed, including the use of work-issued electronic devices.
 - a. Follow the agenda for the virtual inspection:
 - i. Discuss previous on-site field visit(s), when applicable.
 - ii. Ask questions about the previously provided photos or videos, if applicable.
 - iii. If photos were not provided, ask for photos during inspections. If the permittee can email you the photos in real time, review them, zoom in where needed, and ask questions immediately.
 - iv. If no photos are provided prior or during the inspection, at the end of the inspection, review with the permittee the photos you would like them to email to you that day. Review the photos as soon as possible when received; call or email the permittee with any additional questions.
 - b. As applicable, ask the permittee to substantiate answers to questions provided over the phone with pictures or video of the site.
 - c. Discuss the project schedule and construction sequencing.
 - d. Identify construction milestone dates where inspection will be required, if applicable, (Example – implementation of critical stages of PCSM BMPs.)
4. Discuss the potential for virtual inspections in the future and the expectation of all parties involved.
5. At the conclusion of the virtual inspection, staff and the permittee should review information and observations discussed.
 - a. Ensure all questions are answered or will be answered.
 - b. Discuss whether the site is in compliance or on a path to compliance, based on observations and discussion.
 - c. Review violations that were observed by the inspector.
 - d. Provide a timeline for follow up on key action items noted during the meeting regarding compliance or other follow up items should be discussed and agreed upon.
6. Complete the inspection paperwork.
7. If during the virtual inspection staff observe conditions that present an immediate threat to the environment, public health or safety inspections should be scheduled as delineated below. CCDs may consult with the appropriate DEP Regional Waterways and Wetland Program regarding these follow up inspections, as necessary. The recommendations

provided by the PA Department of Health to stop the spread of Coronavirus should be practiced, as applicable. latest information is on the Department of Health's website: <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Stop-the-Spread.aspx>

- a. CCDs should schedule a drive-by inspection. A drive-by inspection may be adequate for some circumstances. For example, a drive by inspection can be done to examine sediment runoff from an unstable slope that is flooding a roadway
- b. In the event that a drive-by inspection does not suffice, CCDs should schedule in person field inspections shortly following a virtual inspection to examine specific unresolved or critical issues.