



CDOT MS4 Permit Audit

Audit Spring 2015

AOC July 2017



EPA Audit of CDOT's MS4 Permit

Had 17 Main Findings covering 5 program areas

1. General Program Management (4)
2. Construction Sites Program (5)
3. Permanent Water Quality Program (4)
4. Pollution Prevention/Good Housekeeping (3)
5. Illicit Discharge (1)



EPA Sit Down Meeting May 2017

4 Findings Still Remained

- Training of MS4 Permit Requirements
- Strengthen Spec for Recalcitrant Contractors
- Resource Assessment to Implement Program
- Resource Allocation for PWQ maintenance



EPA Audit Results

Administrative Order on Consent





EPA Audit and the new 2015 MS4 Permit

Both required more training

Both gave direction for statewide consistency

Both directed program improvements





Factors that Minimized Ire

- Good at Installing PWQ features
- Already upgrading PWQ Inventory
- Had Pretty Good Training
- Had a Good Inspection/Documentation for Facilities and Construction
- Were respectful in our exchanges
- Had Management Support



Factors that Caused Discomfort

- No systematic PWQ Maintenance
- Some folks did not know where MS4 areas were located
- Some folks blamed lack of resources for shortcomings in the MS4 Program



Follow-up Actions That Helped

- Addressed specific findings ASAP with Management Support
- Got TC and Management to commit to more funding and resources to address resource shortfalls
- Sent status tables clearly showing Percent Complete and Next Steps on each AOC item with every communication.



The Reward?

EPA wanted us to be successful and worked with us on AOC actions and deadlines they thought we should undertake.





Resulting Cool Innovations

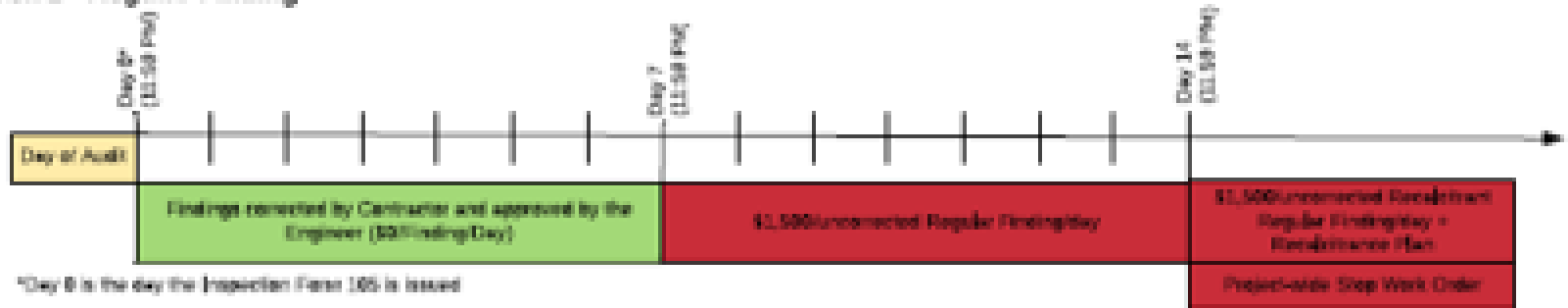
- Posted a Job-Order Contract for PWQ Maintenance July 6th
- General MS4 Training to go On-line
- SWMP Preparer/Reviewer Class available
- PWQ Inventory has been updated and now maintenance will be GeoE tracked by tablets.
- All new PWQ facilities will require maintenance IGAs with local agencies, if applicable prior to ad
- Construction Risks addressed with new spec



More about the Spec

- 208.09 Failure to Perf Eros Control
- Changing from 48 hr to 7 day response
- Disincentives proportional to severity of non-compliance
- Handles recalcitrant/chronic/severe and deferred findings
- Compliance tracked electronically w/ alerts
- Introduces compliance assistance instead of a finding (aka training)

Track 1 - Regular Finding



*Day 0 is the day the Inspection Form 105 is issued

Track 2 - Severe Finding



*Day 0 is the day the Inspection Form 105 is issued

**Immediate Liquidated Damages in response to a Severe Finding

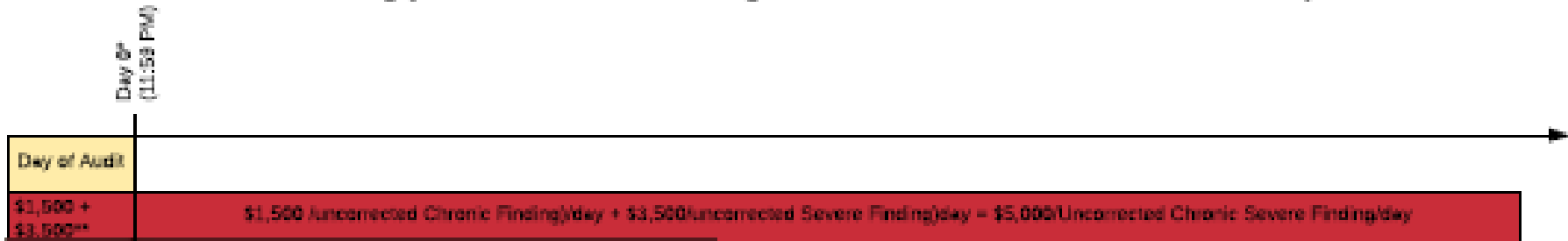
Track 3 - Chronic Finding (2 Identical Findings at the same location in the last 3 audits)



*Day 0 is the day the Inspection Form 105 is issued

**Immediate Liquidated Damages in response to a Chronic Finding

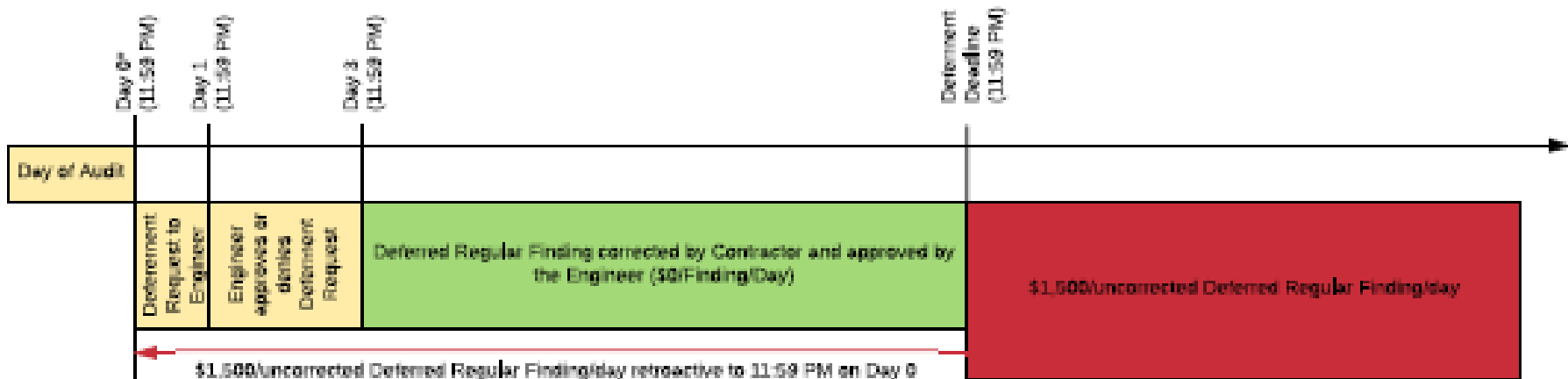
Track 4 - Chronic Severe Finding (2 Identical Severe Findings at the same location in the last 3 audits)



*Day 0 is the day the Inspection Form 105 is issued

**Immediate Liquidated Damages in response to a Chronic Severe Finding

Track 5 - Deferred Regular Finding (Regular Findings only, does not apply to Chronic, Severe or Chronic Severe Findings)



*Day 0 is the day the Inspection Form 105 is issued



What's Next?

- Decide to MOD or not to MOD
- Track to see if it is effective
- Use on Design/Builds to see if it helps
- And in 2020 . . .



Sunset of the AOC

