EPA & Storm Water Permit Compliance

July 18, 2018
AASHTO Committee on Environment and Sustainability

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Overview

• EPA inspections in Iowa and other states
• Iowa DOT - EPA Administrative Order of Consent
Background – Iowa DOT

• August 2013: 2 sites
  – Notice of Potential Violations (NOPV) received

• July 2014: 10 sites
  – NOPV

• August 2015: 4 sites
  – Received NOPVs
Total over last 3 years: 4 of 6 Districts, 8 of 14 RCE offices
creek

Silt fence down
Silt fence to capacity
EPA Region 7 – DOT Inspections
Background – Iowa DOT

- April 2017: Notice of Violation from DNR on central Iowa project site
- May 2017: Contacted by EPA inviting DOT to enter pre-filing negotiations
- October 2017: Notice of Violation from DNR on another central Iowa site
Iowa DOT – EPA Administrative Order on Consent

- Negotiations completed
- Count 1: Failure to Implement SWPPP
- Count 2: Failure to Amend SWPPP
- Count 3: Failure to Conduct Adequate Inspections and Maintain Records
Iowa DOT – EPA Administrative Order on Consent

- Count 4: Discharges of Non-Stormwater Pollutants
  - Focus on 2 projects: Alice’s Rd. and I-29/I-80 in Council Bluffs

- $155k Civil administrative penalty as part of Consent Agreement/Final Order
  - Prior history of violations
  - Gravity of violations
  - Culpability
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• DOT tasks:
  – Site specific PPP – site map
  – Semi-annual reports

• Training & Certification:
  – Accepted current program
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• DOT personnel and responsibilities:
  – Stormwater compliance manager (central)
    • Melissa Serio, Office of Construction and Materials
  – Project Stormwater managers (RCEs)
  – Project inspectors
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- Prime contractor designation of Water Pollution Control Manager
  - Beginning with Oct. 16, 2018 letting
  - Trained or certified
  - Authority to supervise all work involving stormwater compliance
  - Authority to order prime and subs to complete appropriate corrective action
  - Be familiar with project SWPPP
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• Prime contractor designation of Water Pollution Control Manager
  – Responsible to review and sign inspection reports or delegate review and signing to another properly trained or certified individual from Prime
  – Visit project no less than once per week during construction activities. When Prime is not mobilized onsite, may delegate this responsibility to sub
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• Weekly Inspections
  – DOT submit procedure and form to EPA
  – Reports must be reviewed and signed by WPCM or delegate

• Oversight (QA) Inspections
  – Every 120 days
  – By DOT or 3rd party consultant
  – Required for projects disturbing 5 acres or more and located in environmentally sensitive area
Iowa DOT – EPA Administrative Order on Consent

• Key Recommendations
  – DOT staff accompany EPA during inspections
    • Storm water knowledge
    • Clear your schedule
  – Don’t wait for EPA Inspection Reports for action
    • Review processes and improve before
    • Consider your existing staffing and structure
    • Set timelines for yourself