Stormwater Regulations

Eric Kopinski – MoDOT
Overview

- What is difference between land disturbance and MS4?
- What is required by EPA and DNR?
- Recent noncompliance examples
- Stormwater future for MoDOT
Stormwater – Construction

- Land disturbance permit
- Permit required when > 1 acre of disturbance
- Permit termination when final stabilization occurs
  - 70% plant density over entire project site
  - Pavement
  - Rock
Requirements of Land Disturbance Permit

- Develop SWPPP
- Update site map
- BMP selection
- Site inspection reports

Land Disturbance Inspection Checklist:

Current and updated SWPPP site map on site when the erosion & sediment control inspector is on site and a copy given to the contractor: Yes

Are all erosion and sediment control BMPs properly installed, maintained, functioning as intended according to the SWPPP and depicted on the site map? If "No", explain each deficiency below. Yes

Are BMPs in place to protect streams, wetlands and other environmentally sensitive areas from pollutants? If not, describe each deficiency. Yes

Are active stormwater inlets susceptible to receiving sediment properly protected? If not, describe each deficiency. Yes

Are operations taking place on the project? No

Is trackout controlled at project entrance/exit points? If not, describe deficiency. Yes

Are active stormwater inlets susceptible to receiving sediment properly protected? If not, describe each deficiency. Yes

Are stormwater operations effectively removing pollutants from the project site? N/A

Is there evidence of soil erosion and sedimentation observed and why others were not? Yes

Are there evidence of sediment or erosion activities that have not been stabilized? Yes

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Stormwater – Post–Construction

- Municipal Separate Storm Sewer Permit (MS4)

Permit required:
- Population > 1,000 in urbanized area (UA)
- Population > 10,000 outside of UA, and with a population density of at least 1,000 people per square mile

MDNR
Requirements of MS4

- Stormwater Management Plan – SWMP
  - Public education and outreach
  - Public involvement and participation
  - Illicit Discharge Detection and Elimination (IDDE)
  - Construction site runoff control
  - Post-construction runoff control
  - Pollution prevention and good housekeeping

- Annual report
Regulatory Structure – DNR
Stormwater – Regional Priority

EPA Region 7 (Midwest)

Serving Iowa, Kansas, Missouri, Nebraska and Nine Tribal Nations

Key Issues
• Agriculture
  • Bannister Federal Complex in Kansas City, Missouri
  • Carter Carburetor Site in St. Louis, Missouri
  • Chicago Heights Boulevard Site in St. Louis County, Missouri
• Cleanups in Region 7
  • Iowa
  • Kansas
  • Missouri
  • Nebraska

Regional Priorities
• Protecting and improving water quality across America's greatest watershed, the Missouri-Mississippi Basin
• Remediying a legacy of polluted soil by cleaning up neighborhoods in places as diverse as downtown Omaha and rural Missouri's Lead Belt
• Enforcing a new generation of air quality laws that encourage industrial and transport innovation by protecting public health
EPA’s Power

- Authority to collect samples and have access to records
- Issue penalties of $37,500 per day per violations without administrate order
- EPA has strict liability with clean water act
Consent Decree

- Consent Decree – an agreement or settlement to resolve a dispute between two parties without admission of guilt or liability.

- EPA’s Consent Decree Structure
  - One time civil penalty
  - Self reporting compliance system with stipulated penalties for noncompliance
  - Next generation component
Consent Decree resulted from 3 construction projects

One time civil payment of $477,500

15 stipulated penalties for self reported violations

Duration of 4 years
Consent Decree resulted from 2 construction projects

One time civil payment of $750,000

15 stipulated penalties for self reported violations

Duration of 3 years
EPA audited 8 construction projects last year.

Calculated project selection.

Multiple findings – Letter of potential NOV.

Consent Decree?
EPA audit on MS4 performed October 2015

Structured schedule – 12 site visits

Multiple findings from the audit

EPA formal response coming next month
Local Municipalities

- Independence, MO – SSO – 2009
- Kansas City, MO – SSO – 2010
- St. Louis, MO – SSO – 2011
- Salt Lake Utah – MS4 – February 2016
- Rockford, Illinois – MS4 – October 2015
- Countless other cities and counties
Stormwater – Keys to success

- Follow permit requirements
- Keep good documentation
- Take regulatory inspections seriously
MoDOT’s Future – Land Disturbance

- Federal Consent Decree until July 2018
- New electronic database greatly improved reporting aspects
- Movement to use more innovative compliance strategies
MoDOT’s Future – MS4

- First general permit in 2008
- Currently renewing general permit
- Challenging new aspect – map outfalls
MoDOT – Permit Future

- TS4 – Transportation Separate Storm Sewer System
  - Land Disturbance
  - MS4
  - Maintenance operations/bridge flushing
# EPA Inspection Schedule

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<th>FY16 CWA Inspections</th>
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Additional Information & Resources

- Next Presentation – Erin Keys – Columbia MO MS4 from the City/County perspective

- MoDOT Land Disturbance: [www.modot.gov/ld](http://www.modot.gov/ld)

- MoDOT MS4: [www.modot.gov/stormwater](http://www.modot.gov/stormwater)