

Attaining and Maintaining Compliance

Guam Stormwater Workshop
July 29, 2011

Session Objectives

- What to expect if your site is inspected
- Activities include:
 - Pre-inspection preparation
 - Notification from GEPA and/or EPA
 - Drive-by
 - SWPPP availability and adequacy
 - Site tour
 - Records review
 - Findings and corrective actions
 - Potential NOV issuance and response

Pre-Inspection Preparation

- Evaluate past compliance history of permittee and operator through record reviews and internet search
- Review past and current citizen and/or governmental complaints
- Determine permit coverage status
- Determine land ownership
- Determine relative date of last precipitation event(s)
- Determine if specific environmental considerations exist



Facility Drive-by

- Sediment tracking
- BMP applicability, use, and maintenance
- Evidence of run-off events
- Material storage and handling
- General housekeeping
- Areas of interest for the inspection





SWPPP Availability and Adequacy

- Does SWPPP comply with requirements?
- Is the SWPPP a dust collector?
- Does it adequately address the site conditions?
- How does it address construction phasing?
- Is it up-to-date?
- Is there an individual with ultimate responsibility for SWPPP implementation?



Site Tour

- Opening discussion lead by inspector
- Verify SWPPP contents, BMPs, and identify off-site discharges
- Permittees can show past problems and how they were addressed
 - Changes made after precipitation events – BMP failures
 - Improved inspections and/or recordkeeping
- What is the site operator's objective (doing what is needed vs. compliance only)?



Site Tour - Continued

- BMPs
 - Consistent with SWPPP and design details?
 - Appropriate selection?
 - Maintained properly?
 - Effectively functioning?
- Site perimeter tour
 - Specific environmental concerns?
 - Sediment transport to receiving water(s)?
 - Evidence of run-off events?





Records Review

- Is the self-inspection program effective?
 - Do records indicate all "OK," all the time?
 - Problems and remedies identified?
 - Do the inspections match the site?
- Evaluate the reliability and accuracy of the self-monitoring program
 - Do records calibrate with known precipitation events?
 - Were inspections conducted at the required frequency?

Inspection Findings and Corrective Action

- Inspector will conduct an exit interview
 - Verbally present preliminary findings and observations
 - Discuss potential remedies and areas for improvement
 - Inform permittee of anticipated next steps

Example Post Inspection Findings

- Copy of General Permit not on-site.
- SWPPP and site map not maintained on site and had not been updated/amended for Permit requirements
- Inspection records were maintained on site and available for review; however, inspection documentation did not contain the minimum required information as outlined in the Permit
- Quarterly non-storm water visual observations had not been conducted, as provided by the primary on-site Facility Representative
- Training records and documentation were not maintained on site
- Visible sediment and debris accumulation was observed in the impervious curb and gutter flow lines of the storm water conveyance system and adjacent to storm drain inlets
- Adequate storm drain inlet protection had not been implemented to prevent the discharge of sediment and debris from the site
- Tracking controls were not implemented to prevent the release of sediment from the disturbed lot areas to the adjacent public roadways resulting in sediment and debris transported and deposited on the public roadways.
- Silt fence BMPs were not adequately installed (e.g., not entrenched in the ground) and maintained (e.g., collapsed in areas; holes and tears) adjacent to the sidewalk along disturbed lots
- Adequate erosion and sediment controls had not been implemented to minimize sediment discharges from the project's areas of disturbance
- Adequate containment of concrete waste was not provided. As a result, concrete waste accumulation was observed on the public roadways, in the curb and gutter flow lines, and scattered throughout the site.
- Adequate waste management BMPs were not implemented to cover and contain waste disposal containers

Inspection Findings and Corrective Action - Continued

- A permittee should:
 - Make note of the list of identified deficiencies observed by the inspector
 - Do not expect recommendations from the inspector
 - **Immediately start devising and implementing your remedies – do not wait for compliance action!**
 - Consider taking photographs to document corrective actions taken
 - Notify your chain of command

Response to NOV's

- Penalties are often determined based on responsiveness
 - Show a willingness to cooperate and improve (for example, start making corrections rather than waiting for a copy of the inspection report)
 - Do not miss timelines and deliverables – notify EPA/Guam EPA in advance if you are anticipating non-compliance
 - Implement the remedy, stick with it, and document effectiveness
- Prevent re-inspections and enforcement escalation

Summary Points

- Anticipate an inspection and be prepared:
 - Maintain a clean and orderly site
 - Protect receiving waters
 - Ensure SWPPP is reflective of current conditions
 - Maintain records
- Be proactive in response to identified deficiencies

Questions?

