

US EPA ARCHIVE DOCUMENT



Office of Technical & Customer Assistance

Quarterly Project Report

Project Title: *MS4 Construction Site Runoff Control Environmental Results Program*

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Reporting Periods: **January 1, 2011 to March 31, 2012**
October 1, 2011 to December 31, 2011
July 1, 2011 to September 30, 2011
April 1, 2011 to June 30, 2011

Project Description: The Construction Site Runoff Control minimum control measure is one of six measures that the operator of a Phase II regulated small municipal separate storm sewer system (MS4) is required to include in its stormwater management program to meet conditions of its Rhode Island Pollutant Discharge Elimination System (RIPDES) permit. The Department of Environmental Management (DEM) works with 34 Storm Water Coordinators to implement the requirements of the Phase II Final Rule. The DEM amended the RIPDES Regulations on February 5, 2003 to include the Phase II requirements for the MS4s. The regulations require MS4s to comply with six Minimum Control Measures. This grant proposal presents an ERP approach to self-certify compliance with, confirm compliance with, and measure compliance with the Construction Site Runoff Control Minimum Control Measure. DEM, working with the University of Rhode Island, will develop a mandatory self-certification program for construction site owners/operators using ERP tools for the use of BMPs to control erosion and sedimentation from construction sites greater than one acre.

Problem Statement - MS4s in Rhode Island:

This grant will address the specific problem of noncompliance with the requirements of the Rhode Island General Permit for Stormwater Associated with Construction Activity and local erosion and sediment control ordinances. The Stormwater Phase II Final Rule for Construction Site Runoff Control Minimum Control Measure (Specific link to EPA's Strategic Goal 2 – Clean and Safe Water) requires municipalities to develop Qualified Local Programs (QLPs) and perform inspections of 100% of construction activities greater than one acre within their jurisdiction. Diminishing resources at the federal, state and local levels is making it much more difficult for MS4 operators to implement compliance and inspection programs. This project will develop an ERP model as a means of satisfying the small MS4 General Permit requirements.

Project Activities Completed During Reporting Period:

- Meeting on April 28, 2011 to review workbook updates and discuss future training work shops. Agenda and summary are included in attached PDF.
- Meeting on May 2, 2012 to continue review of work book updates and discussion of training work shops.
- Workbook revisions completed July 2011. This revision is now included with stormwater and wetland permits. Special permit condition encouraging use of workbook developed and now included with all applicable permits.

Special Condition for the General Permit for Storm Water Discharge Associated with

Construction Activity - Construction Activities which disturb one (1) or more acres of land and where storm water runoff is directed, via a point source, into a separate storm sewer system or into the waters of the State, are required to seek coverage under the Rhode Island Pollutant Discharge Elimination System (RIPDES) storm water permit. In accordance with Part I.C.2.b. of the *General Permit RIPDES Stormwater Discharge Associated with Construction Activity (“RIPDES CGP”)* (effective September 2008), point source discharges of storm water associated with construction activity that disturb > 1 acre are automatically authorized upon the applicant’s receipt of a Freshwater Wetlands Permit. Please be aware that not all aspects of the proposed project have been reviewed by the DEM Freshwater Wetlands Program for conformance with the requirements of the RIPDES CGP. The owner/operator is required to comply with all terms and conditions of the RIPDES CGP to maintain authorization. This includes but is not limited to developing and maintaining a Storm Water Pollution Prevention Plan (SWPPP), performing the required inspections and maintenance of the selected Best Management Practices (BMPs), and complying with all applicable record keeping and retention requirements. The DEM RIPDES permitting program in cooperation with the DEM Office of Customer and Technical Assistance has developed a Construction and Development Activity Storm Water Compliance Checklist (“Checklist”) as a compliance assistance tool. In the future, the use of this tool will be mandatory. Despite the fact that the use of the Checklist is not mandatory at this time, owners and operators may begin using this tool to satisfy the inspection requirements of the 2008 RIPDES CGP. Please be advised that if your site is the subject of a DEM inspection, the Checklist will also be used by DEM Inspector(s) to determine whether or not your site is in compliance with the 2008 RIPDES CGP.

- Meeting on August 4, 2011 to plan training work shops.
- Meeting on August 29, 2011 to complete agenda and planning for training work shops. Invitations and presentation attached
- Training work shops held on September 15, 2011 for inspectors and November 15, 2011 for consultants and contractors.

Budget Summary:

	DEM	URI
Total Allocated	\$75,400.00	\$115,000.00
Spent Previously	\$15,800.00	\$104,633.00
Spent this Quarter (4 quarters)	\$12,800.00	\$10,367.00

Remaining	\$46,800.00	\$0.00
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Major Activities Planned for Next Quarter:

- Develop random list of sites for second round of inspections.
- Complete at least 50 random inspections late summer/early fall of 2012.
- Conduct statistical analysis and report results.

Table 2: Schedule of major project tasks

Task Name	Task Description	Start Date	End Date
Develop Compliance Check List	DEM, working with the University of Rhode Island, will develop a compliance check list based on the General Permit conditions for the use of BMPs to control erosion and sedimentation along with other requirements of the General Permit. The Check List will be modeled on the check lists successfully developed by this partnership for the Auto Body and Auto Salvage sectors. The check list will include a self-certification requirement for the General Permit notifiers.	10/07	Completed
Develop and submit QAPP	DEM and URI will work together to prepare the QAPP to ensure that data is properly collected and assessed. The QAPP will include a description of how the number of random inspections for baseline and post certification conditions is calculated.	10/07	Completed
Complete QAPP Revisions	DEM will revise QAPP based on comments received from EPA review	1/08	Completed
Develop Statistical Methodology	DEM will develop the statistical methodology to compare baseline inspection results to the post certification random inspection results, based on previous ERP sectors.	5/08	Completed
Develop Data Management Strategy	The RIPDES MIS staff will be engaged to develop a data management strategy to receive, store and analyze inspection data.	1/08	Delayed due to lack of available MIS staff
Estimate Universe	DEM will estimate the number of projects that will be regulated under this program by reviewing the number of Notifications of Intent received for coverage under the General Permit, on an annual basis, for the last three calendar years.	4/08	Completed
Determine Baseline Sample	Use the EPA ERP Results Analyzer to determine the number of random, baseline inspections needed to perform future EBPI measurements.	5/08	Completed
Conduct Base Line Inspections	Random, base line inspections will be performed by the DEM/URI partnership to determine compliance status with the check list parameters. A specific number of EBPIs will	5/05	Completed.

	be selected based on the EPA Measurable Goals Guidance for Phase II Small MS4s and the results of the base line inspections.		
Develop Stakeholder Group	DEM and URI will solicit a number of past Notifiers, contractors, consultants, representatives from non-governmental organizations, and other interested parties for interest in joining a stakeholder group to review, comment, and advise on issues concerning this program. One stakeholder group meeting will be held after baseline inspections are completed to ensure that no bias is introduced. We would schedule from two to four meetings throughout the development of the project to discuss specific milestones such, base line results, training programs, and inspection and enforcement strategies. Industry.	5/08	Completed Meetings held on February 11, 2010 and March 18, 2010
Develop Training Work Shops	DEM and URI will develop a training program for past and prospective Notifiers, Storm Water Coordinators and industry representatives that would be subject to the self-certification inspection and the conducting of random and targeted inspections. The training will focus on how to conduct a self-inspection or random/targeted inspection using the check list, correct any deficiencies, use of the Return-to-Compliance forms, and other factors important to maintain compliance with the General Permit. The training will build on current programs for BMP design and implementation and the training under development by the collaborative arrangement among URI, DEM and the Department of Transportation to provide training and information tailored to municipalities. The training will be coordinated so that the URI, DOT collaborative will focus on training municipalities and the ERP training will focus on industry.	10/08	Completed Sessions held on September 15, 2011 and November 15, 2011
Distribute Self-Certifications	DEM will distribute the final Check List with certification statements to all persons that submit a Notice of Intent for coverage under the General Permit. DEM will also provide check lists and certification statements to the Storm Water Coordinators for distribution to Notifiers in their respective MS4s. DEM will offer technical assistance in the form of phone call consultations, email questions on an as needed basis during this time period. DEM will investigate and develop cost estimates to establish a centralized data base for the electronic submission of all inspection check lists (self –certifications, random inspections, targeted inspections by both DEM and Storm Water Coordinators)	2/09	7/09 Completed and on-going, included with all stormwater and wetland permits issued
Develop Inspection Strategy & Conduct Training work Shops	DEM will work with the Storm Water Coordinators to develop an inspection strategy to ensure good and consistent data collection based on the number of random inspections needed (using the EPA ERP Results Analyzer) to measure performance of the EBPIs. DEM and URI will conduct the training program after the Check Lists are distributed and the regulated community has had a chance to become familiar with the program through the public stake holder process	2/09	7/09 Under development 12/2011 8/2012
Determine Number of Random	The EPA Results Analyzer will be used to determine the number of random samples. DEM and the Storm Water Coordinators will conduct the random inspections and a select number of targeted inspections using the check list.	8/09	4/10 4/11

<p>Samples and Conduct Random and Targeted Post-certification Inspections</p>	<p>All data will be gathered by DEM for statistical analysis.</p>		<p>5/12</p>
<p>Develop compliance Policy for Enforcement</p>	<p>DEM and the Storm Water Coordinators will develop a compliance policy for enforcement to ensure that referrals are made using consistent information and actions are taken on a consistent basis. The policy will identify the coordination between local and state responsibilities.</p>	<p>11/09</p>	<p>4/10 4/11</p>
<p>Project Reports</p>	<p>Quarterly and Final Project Reports</p>	<p>1/08</p>	<p>9/1012</p>