EPA AUDITS OF MS4’S: HOW THE PROCESS HAS EVOLVED

2018 Texas Storm Water Conference
September 24, 2018
Overview

❖ Background
❖ What is an MS4 audit
❖ Why do we do it?
❖ How is it done?
❖ Self-Assessment
❖ Pre-Assessment
❖ Common areas of concern
❖ Conclusion
EPA Headquarters established a national goal that required all EPA regions to assess Storm Water Management Plans (SWMP) of large and small MS4s for permit compliance.

Large MS4s are permitted facilities with a population that equals to or exceeds 100,000 and small MS4s are permitted facilities, population equal to 99,999 or less.
EPA delegated the National Pollutant Discharge Elimination System (NPDES) MS4 permitting program to the regional States with the exception of Idaho, Massachusetts, New Hampshire, New Mexico and Washington D.C., for which it is the permitting and enforcement authority.

Though the NPDES MS4 program has been delegated, the Agency conducts program oversight for the States.

Ultimately the Agency remains responsible for making sure that all MS4 SWMPs are assessed and comply with MS4 permit requirements whether that permit was issued by EPA or the State.
What is an Audit?

- An audit, is a comprehensive MS4 program evaluation to determine if the permittee is effectively implementing their Storm Water program in order to reduce pollutants discharged to the Maximum Extent Practicable (MEP).

- It is ultimately based on the requirements in the MS4 permit and commitments made in the MS4’s SWMP.
Why do we do it?

- Determination of compliance, or recognized need for compliance assistance.
- Build a stronger working relationship between EPA, the State and the permittee.
- Ensure better understanding by the permittee of the permit requirements.
- Ensure better understanding of the permittee’s operations, priorities, & challenges.
How is it done?

• Initially, EPA, Region 6 developed a strategy to assess the SWMP of large MS4s which was done by sending a team to conduct a five-day review of the MS4 program.

• Later the team developed the MS4 Self-Assessment, which is composed of a set of 14 modules that ask questions specific to the Control Measures that the MS4 is required to implement, which has revolutionized the SWMP assessment.
The Self-Assessment is composed of a set of modules that ask in-depth questions specific to the Control Measures that the MS4/Facility is required to implement. The modules are sent to the MS4 to fill out and send back to the EPA regional Storm Water team prior to the team conducting an on-site inspection of the MS4.

Each Module contains certain KEY COMPONENTS and addresses how the Permittee implements their SWMP.
14 Modules

- Construction
- IDDE
- Good Housekeeping
- Post Construction
- Public Education & Outreach
- Public Involvement & participation
- Areas of New Development & Redevelopment
- Commercial & Industrial High Risk
- Flood Management
- Monitoring
- Roadways
- Pesticide, Herbicide, Fertilizer Application
- Spill Prevention & Response
- Structural Controls
• EPA will conduct a technical review of the permittee’s Assessment to decide whether the permittee’s SWMP performance complies with the MS4 permit, and if they have effectively reduced pollutants discharged in storm water.

• Following the review, EPA will prepare an Assessment Report that states the findings of the technical review. An on-site inspection may also be included.

• EPA will then follow-up with the permittee and issue the appropriate action (i.e., compliance assistance or enforcement action) as deemed necessary to achieve permit compliance.
Link to MS4 Self-Assessment Modules:

- Arkansas
  http://www.epa.gov/ar/compliance-assurance-and-enforcement-arkansas

- Louisiana
  http://www.epa.gov/la/compliance-assurance-and-enforcement-louisiana

- New Mexico

- Oklahoma
  http://www.epa.gov/ok/compliance-assurance-and-enforcement-oklahoma

- Texas
  http://www.epa.gov/tx/compliance-assurance-and-enforcement-texas
The Pre-Assessment: How is it done?

• Last year, 2017, Region 6 developed the Pre-Assessment and Inspection Initiative to check the permit compliance of all small MS4s and prioritize a comprehensive assessment/Audit for their Stormwater Program.

• The Pre-Assessment evaluates how the sMS4 has implemented the key Minimum Control Measures (MCMs) of its SWMP.
6 MCMs

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination Runoff
- Construction Site Runoff
- Post-Construction Runoff (New Development and Redevelopment)
- Municipal Pollution Prevention and Good Housekeeping Practices
The Pre-Assessment is designed to look at the management, operations, and maintenance portions of the small MS4 SWMP via:

1. Interviewing the sMS4 for an overview of their SWMP

2. Observing the inspection techniques of sMS4 Inspectors to check proper application in detecting and addressing areas of concern at a site

3. Inspecting sMS4’s owned, operated and regulated facilities for permit compliance

If the sMS4 Pre-Assessment reveals the need for a more comprehensive audit, a modified Self-Assessment will be issued.
Common Areas of Concern

- It's not detailed
- It doesn't tell a story
- It doesn't show the whole picture
- It's misleading!
Good housekeeping

No spill kits. Multiple storm drains. Signs of past spills.
Inadequate Erosion Control
### 1.11 Distribution of Educational Information

**Measurable Goal**

- Provide developers with educational information concerning stormwater issues and low impact development. Provide stormwater educational information also to applicants for building permits, businesses and those involved in commercial activities.
- Provide stormwater educational information to public schools and residents.

<table>
<thead>
<tr>
<th>Action</th>
<th>Schedule</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Add login at front desk</td>
<td>5/31/18</td>
<td>Completed 5/2/18</td>
</tr>
<tr>
<td>Obtain example for construction and LID handouts</td>
<td>6/30/18</td>
<td>Pending</td>
</tr>
<tr>
<td>Copies/amount of LID info provided</td>
<td>12/12/18</td>
<td>Initiated 5/2/18</td>
</tr>
<tr>
<td>Document meetings through sign-in sheet, formal pre-con. informal developer/controller visit</td>
<td>12/12/18</td>
<td>Initiated 5/2/18</td>
</tr>
<tr>
<td>Document recipients</td>
<td>12/12/18</td>
<td>Initiated 5/2/18</td>
</tr>
</tbody>
</table>
Conclusion

- Develop quantifiable Measurable Goals
- Develop and implement all Control Measures
- Hire sufficient and qualified staff (STAFF TRAINING)
- Know your program
- Conduct routine inspections
- Take timely enforcement action
- Maintain resources and equipment
- Timely document inspection reports and related info (DOCUMENTATION is KEY)
- Ensure city owned facilities are properly permitted and operating under a SWPPP
Questions?

Region 6 Stormwater Team

- Carol Johnson (TX Stormwater Coordinator) .......... (214) 665-8471
- Stephanie Meyers ................................................................. (214) 665-6496
- Thea Lomax (LA & OK Stormwater Coordinator) ..... (214) 665-8098
- Linda Smith (AR & NM Stormwater Coordinator) ..... (214) 665-6641