

NPDES COMPLIANCE SECTION

Sediment and Erosion Control Conference
2023



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DEPT. OF ENVIRONMENT AND ENERGY

NDEE CONSTRUCTION SITE & MS4 INSPECTIONS



Permit Universe

2022 Summary

2023 Inspection Goals

Inspection Prioritization

Compliance

Enforcement

PERMITTED UNIVERSE



1500 Active Construction Projects

- ~ 150 – 250 new projects/quarter
- ~ 150 notices of termination/quarter

28 MS₄ Permittees

- 24 municipal/county
- 4 nontraditional
- no anticipated additional permittees

CONSTRUCTION STORM WATER/MS₄ COMPLIANCE SUMMARY 2022

Inspections

6 MS₄ Inspections

70 Construction Storm Water
Inspections

~ 70 storm water complaints

Letters of Noncompliance (LNCs)

27 Construction storm water

1 MS₄

Assistance

1 MS₄ compliance assistance visit

2 Outreach events



COMMON CONSTRUCTION STORM WATER DEFICIENCIES

Track out

Blowing trash

Lack of adequate erosion and sediment controls

Inadequate maintenance of controls

Sediment discharged off site

Concrete washout

Signage



MS4 OBSERVED DEFICIENCIES

SWMP not updated

Outreach material outdated with limited distribution.

Sampling of dry weather discharges

Employee training for the identification and response to illicit discharges is lacking or requires updating

Follow up on CSW enforcement actions

Monitoring of post construction BMPs

Pollution prevention and housekeeping



CONSTRUCTION STORM WATER INSPECTIONS 2023

50 Planned inspection in Fiscal Year 2023.

Priorities will include:

- Construction sites 5 acres or more

- Notifications of environmental concern from the public

- Notice of terminations

- Follow up inspections based on formal or informal enforcement

- MS4 not previously inspected

- MS4 not inspected in the last 5 years



NDEE CONSTRUCTION STORM WATER INSPECTIONS WILL FOCUS ON:

Implementation and
maintenance of controls and
BMPs

Efficacy of erosion and sediment
controls

Compliance with the Effluent
Limitations Guidelines

Documentation and Records



MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS₄)



Six (6) planned MS₄ inspections through September 2023

Inspections will include evaluations of storm water management plan implementation

Attending MS₄ public involvement activity as invited or requested

Provide feedback or assistance on public education materials as requested

Provide compliance assistance as requested

NDEE OUTREACH AND ASSISTANCE

Work with stakeholders to improve
compliance

MS4's

Permittees

Public

Create and improve guidance documents

Clarify requirements

Templates

Improve communication at the time of
inspection

Site contacts

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COMPLIANCE AND ENFORCEMENT

Significant noncompliance reduction

Certainty

Timeliness

Accountability

Return to compliance

Seeking voluntary compliance

Formal enforcement after 180 days

Applying these principle to storm water

Understand the systems

Avoid system traps

Thinking in Systems

A Primer

Donella H. Meadows

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