MS4 AUDIT RESULTS

SEMSWA Preparation in Anticipation of Audit

MS4 Audit Scenario

- 5 Phase 1 entity's
(Denver, Lakewood, Aurora, CO Springs, CDOT)

- All 5 have been audited
(Phase I's have population > 100,000)

- 53 Phase 2 entity's

- ~25% have been audited

- 63 Non-standards

- None will be audited

CDPHE is required to conduct audits on all Phase 2's by 2013 – probably will not make it at present rate; CDPHE taking up to 5 months per audit

Phase 2's that have been audited include:
- Greenwood Village (audit 4/11, no report yet)
- Northglenn
- Greeley
- Montrose
- Broomfield
- Weld County
- Wheatridge
- Edgewater
- Erie
- Berthoud
- Monument

Audit Process

1. State contacts Local Contact with a phone call informing that a letter is on its way requesting records/documents for audits

2. Letter comes from State, with one (1) month deadline to provide records to State electronically (ordinances, SOPs, criteria manuals, other documents to support permit)

3. State reviews the records (however long it takes) to get familiar with program descriptions and associated documents, then sets audit date

4. Day one of on-site audit - Interview
   - *Applicable MS4 personnel review general information & program areas w/State*
   - *During interview, State compares program descriptions to actual implementation*

5. Day 2 and 3 - Interview and Field
   - *Continue review of records*
   - *Field visits: GESC, Permanent BMPs, CIP sites, and Municipal Yard*
   - *Recap and post audit summary*

Post Audit Process

1. During Audit Summary interview, the Findings and Recommendations are discussed in general terms, providing a direction for MS4 efforts prior to receiving formal Report

2. Opportunity for MS4 to get ahead on required revisions to program (Findings), like preparation of missing SOPs, draft new Ordinance or Resolution language

3. Opportunity to schedule additional training (so can take credit for it in Response)

4. At some point, from 2 months to 5 months from date of audit, MS4 will receive a formal Audit Report

5. Report will contain Findings and Required Actions – must be resolved

6. Report will also contain Observations and Recommendations – improvements that are not required; HOWEVER must address these in MS4 Response to Audit

7. State allows 3 months for "procedure" resolutions, like SOPs, program modifications

8. State allows 6 months for Code or Ordinance revisions that must go through Council or Board

Example MS4 Audit Findings
Illicit Discharge Detection, Elimination - Program 3

- Ordinance/SOPs
  - Match language to implementation practices
    - (verbal vs written; time lines for cleanup response and elimination)
  - Only Emergency firefighting is allowable discharge; training process water NOT allowable, must be treated
  - Applicable Code must cited in all documents
  - Must have SOP for how outfall maps are updated

Example MS4 Audit Findings
Grading, Erosion, Sediment Controls - GESC Program4

- Plans must match field Implementation
  - If say 50' of Vehicle Tracking Controls (VTC), 35' is a Finding
  - Even if BMP functioning and appropriate for site (sediment control log), if not in per the detail (vertical stakes rather than crossed stakes which is on detail), then a Finding
  - Redline not only plan, also the detail sheets
  - Even if a BMP is not necessary (redundant), it is a Finding if not functioning
- Consistency
  - Match Ordinance content with field implementation (ex: "all plan changes are reviewed & approved by plan reviewer"; a Finding if inspector redlines in the field)
  - Less than 1 acre sites also audited even though General MS4 permit applicable to only sites over an acre

Example MS4 Audit Findings
Permanent Water Quality - Program 5

- □ Any 'above and beyond' criteria will be included in audit even thought not in General MS4 permit, subject to Findings
- □ Need formal SOP for how to deal with an HOA that does not choose to make repairs to their Permanent BMP
- □ All maintenance on HOA's Permanent BMPs must be "immediate" and not usual "within 10 days"...can 'verify' in 10 days, but must say in inspection letter that it has to be performed IMMEDIATELY

- □ If Ordinance says "guided by" UDFCD criteria or City criteria manual, not good enough; language must be changed to mean "enforceable design" or Finding
- □ Failure to implement permanent BMPs for roadway reconstruction is controversial multi-Finding – on hold for now

Example MS4 Audit Findings
Good Housekeeping/Municipal Operations -Program 6

□ **Secondary containment**

- ◻ For Mag Chloride tanks – total volume in all tanks must be accounted for in secondary containment in case all tanks fail at once
- ◻ For the lone battery waiting to be recycled (even though container below holds up to four 55 gal barrel contents)

Recent MS4 Audit Findings
Greenwood Village and Northglenn

Sprayer contains citrus oil to clean off plow blades, sitting under roof overhang

Unlabeled container holds frozen water sitting on a gravel driveway

250 gallon empty paint container with open 6" diameter lid attached, waiting to dry and be put away

Empty paint can, no label

Next Steps

- Continue to review consistency of SEMSWA Program Descriptions with actual practices in each Program area: *in process*
- Prepare Program Modification Letter that syncs Program descriptions and CDPHE audit parameters: *draft in process*
- Prepare a SEMSWA Stormwater Management Manual (SWMM) & Resolution to replace City's SWMM & Ordinance by replacing "City" with "SEMSWA" similar to GESC Manual: *in process*

Next Steps, continued

- ☐ Review IDDE Ordinance with City IDDE Manual ; possibly designated an agent of the City for enforcement (?): *in discussion*
- ☐ Incorporate previous applicable audit findings into Program Descriptions, if applicable: *in process*
- ☐ See where we can eliminate any "beyond permit requirements" if no adverse affect on water quality: *yes we can, in process*

Next Steps, continued

- ☐ Continue to work with City on areas at the Public Works Yard that have potential MS4 audit issues and prepare conceptual implementation plan with associated costs for 5 to10-year budgeting purposes: *in process*

Questions?