



STATE OF NEVADA  
DEPARTMENT OF TRANSPORTATION

1263 S. Stewart Street  
Carson City, Nevada 89712

BRIAN SANDOVAL  
Governor

June 26, 2012

SUSAN MARTINOVICH, P.E., *Director*

In Reply Refer to:

Nancy Woo  
Acting Director, Water Division  
United States Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Re: Nevada Department of Transportation  
EPA Storm Water Management Program Audit

Dear Ms. Woo:

This letter is in response to the Storm Water Management Program Audit Report dated May 10, 2012, received by the Nevada Department of Transportation (NDOT). The Audit, conducted August 9-12, 2011, by the EPA Audit Team, identified possible areas of violations, operational areas requiring improvement and other program deficiencies. NDOT understands the purpose of the Audit is to improve NDOT's storm water program.

Since the Audit, NDOT had implemented a statewide storm water training program in which over 500 employees throughout the state have attended. An illicit discharge detection and elimination component was also incorporated into this training. In addition, NDOT has initiated development of Facility Pollution Prevention Plans and increased staffing to facilitate program implementation. For more information on the progress on our Storm Water Management Plan, please refer to the enclosed attachments.

NDOT looks forward to working with the EPA to improve our Program. If you have questions or need additional information, please do not hesitate to contact me or Steve Cooke, Chief of our Environmental Services Division.

Sincerely,

Susan Martinovich, P.E.  
Director

Enclosure

cc: Alan Tinney, NDEP (without enclosure)  
Luis Garcia-Bakarich, EPA, Region IX (without enclosure)  
Steve Cooke, NDOT (without enclosure)

**Nevada Department of Transportation**  
**MS4 Audit Report**  
**Audit Dates: August 9-12, 2011**  
**Report Date: May 10, 2012**

*Responses*

A.1. Storm Water Management Plan

**Potential Permit Violation:** The Nevada Department of Transportation (NDOT) *has failed to fully implement the SWMP within five years of the authorization date of the 2004 Permit. [2004 Permit Section 4.1.2]*

NDOT has continually worked towards implementing the Storm Water Management Plan (SWMP), however due to workload and the demands placed on staff and resources, implementation of the SWMP has not progressed as anticipated. To help address this matter, an additional water quality position was created in January 2011 and filled later that year.

**Potential Permit Violation:** *The 2005 SWMP does not include maps of NDOT's storm sewer system, including the location of any major outfall discharging to waters of the U.S. [2004 Permit Section 4.3.1, and 2010 Permit Section III.C.1]*

NDOT has completed a Geographic Information System (GIS) based inventory of NDOT owned and operated outfalls within the Lake Tahoe Basin (with the exception of the routes currently under construction) and the Clear Creek Watershed. Maps depicting the locations of these outfalls are currently being developed and will be available for inclusion in NDOT's revised Stormwater Management Plan (SWMP) scheduled for completion in FY 2013.

Due to the large geographic expanse and diffuse nature of NDOT's infrastructure, it is anticipated that maps depicting outfalls owned and operated by NDOT for other areas of the State will take several reporting periods to develop. An implementation plan is currently being developed for inclusion in NDOT's revised SWMP scheduled for completion in FY 2013. It is expected that the development and subsequent maintenance of this data will be an ongoing effort due to recurring modifications associated with construction and maintenance activities.

A.2. Clear Creek Master Storm Water Management Plan

**Potential Permit Violation:** *The Clear Creek Storm Water Management Plan does not describe control techniques used at the Spooner Summit decant facility to ensure no illicit discharge of pollutants into Clear Creek. [2004 Permit Section 3.2.1.3 and 2010 Permit Section III.D.1.c]*

A description of the facility, including control techniques used to ensure no illicit discharges of pollutants into Clear Creek, will be included in NDOT's revised SWMP scheduled for completion in FY 2013.

### B.1. Employee Training

**Potential Permit Violation:** *NDOT has not implemented an Employee Storm Water Training Program within one year of permit issuance. [2010 Permit Section III.F.2] NDOT was unable to demonstrate all employees identified by the 2010 Permit had received initial training within twelve months of the effective date of the Permit*

NDOT began implementing its statewide stormwater training program (aka Certified Stormwater Inspector program) in September, 2011. In conjunction with the Nevada Division of Environmental Protection (NDEP), an 8 hour stormwater training course has been developed that covers a broad range of stormwater related topics, including regulatory oversight, BMPs for construction and maintenance activities as well as guidance regarding illicit discharge detection and elimination. Successful course completion requires a passing score of 80% or better on a 50 question examination.

Recipients of the first training sessions were designated "Train the Trainers." These individuals are tasked with providing the stormwater training to employees within their respective Districts. Upon successful completion of the training course, employees receive a wallet sized certification card which provides information such as training date, certification expiration date and a reference number. Records of those who have completed the training course are kept within a database created and managed by NDOT's Environmental Services Division. Over 500 employees throughout the State have completed this training course since its inception in September, 2011. Training efforts will be ongoing.

Environmental Services Division is tasked with providing training material updates/revisions as necessary to ensure that course content is current and relevant.

### B.2. Construction Contractor Training

**Recommendation for Improvement:** *NDOT's revised SWMP should include contractor-specific requirements to ensure consistent implementation by all contractors. To comply with the 2010 Permit, the training should ensure contractors have adequate training to: understand BMP selection, installation and maintenance requirements; recognize activities that may impact storm water quality; and understand the procedures in place to prevent or report illicit discharges or illicit connections to the MS4.*

NDOT is currently in the process of revising and updating its Standard Specifications for Road and Bridge Construction (Standards). Environmental Services and Construction Divisions have developed revised contract language for inclusion into the new Standards manual addressing contractor related stormwater training requirements.

### B.3. Public Education Program

**Program Deficiency:** *NDOT should improve the current Public Education/Outreach Program to ensure its public outreach program is effective. For instance, NDOT could highlight innovative projects or programs throughout the state to reduce storm water pollution.*

NDOT has updated its website <http://www.nevadadot.com/> (<http://www.ndot.com>) to provide information to the public describing NDOT's involvement with the Lake Tahoe Environmental Improvement Program. Website content includes a general overview of NDOT's program as well as information pertaining to construction and maintenance activities.

NDOT has developed the Road to Blue website (<http://roadtoblue.com/>), which provides an overview of current NDOT construction projects within the Lake Tahoe Basin. Currently, the ongoing SR-28 and SR-431 water quality improvement projects are highlighted on the website.

Projects within the Lake Tahoe Basin have signs posted at the project limits providing a quick project summary to traveling motorists.

**Recommendation for Improvement:** *NDOT should consider using the Project Categorization Sheets to ensure adequate BMP implementation and maintenance during the life of the project and to validate cost estimates at the project's completion. Inclusion of specific fixed costs in requests for proposal ensures contractors dedicate the proper resources to storm water controls and ensures a level playing field to evaluate proposals.*

The Project Categorization sheet would not be an ideal mechanism for validating BMP cost or ensuring BMP implementation and maintenance. NDOT will have to determine a more comprehensive manner of assessing these aspects without negatively influencing construction sequencing and related cost and at the same time ensuring the BMP's installed are comprehensive, actively managed and cost effective.

## C.2. Contractor Oversight

**Program Deficiency:** *The weekly Construction Site Discharge Inspection Checklist created by NDOT for oversight inspections does not contain sufficient detail to assess construction general permit compliance. NDOT should revise the Checklist to include more specificity on inspection criteria such as condition of BMPs, timeframes for corrective actions to be taken in response to deficiencies found during inspections, and information about current weather conditions and recent precipitation events.*

NDOT recognizes that its current Weekly Site Discharge Inspection Checklist utilized to assess Construction General Permit compliance necessitates improvement. NDOT will address this issue in the revised Stormwater Management Plan scheduled for completion in FY 2013.

**Potential Permit Violation:** *NDOT has failed to establish a program to control all construction in the rights-of-way [2004 Permit Section 4.9.1.1 and 2010 Permit Section III.G.1.a]*

The initial lack of Construction General Permitting on Tribal Land associated with NDOT Contract #3443 was an internal oversight. NDOT's contractor did procure a Construction General Permit from the EPA upon notification that construction activities were occurring on Tribal Land. Measures have been taken internally to ensure that NDOT's contractors are notified well in advance of permitting requirements on Tribal Lands.

**Potential Permit Violation:** *NDOT failed to include a description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of construction activity, topography, and the characteristics of soils and receiving water quality. [2004 Permit Section 4.9.1.5]*

Compliance with this requirement will be addressed in NDOT's revised SWMP scheduled for completion in FY 2013.

The EPA made note of the monthly construction stormwater BMP inspections associated with NDOT's ongoing I-580 Freeway Extension Project. The Contractor and NDOT's Construction Field Crew have been notified to conduct weekly site inspections consistent with the requirements of the Construction General Permit.

#### D. Illicit Discharge and Detection and Elimination Program

**Potential Permit Violation:** *NDOT failed to describe procedures to conduct on-going screening activities to detect illicit discharges during the life of the permit, including areas or locations that will be evaluated by such field screens. [2004 Permit Section 4.7.1.2 and 2010 Permit Section III.J.1.b]*

NDOT has incorporated an illicit discharge detection and elimination component to the recently implemented statewide stormwater training program. Students are provided with an overview of illicit discharges and guidance pertaining to documentation and contact information.

To assist the traveling public with reporting an illicit discharge observed within NDOT's R/W, a web link ("Report Illegal Roadside Drainage) has been developed on NDOT's website (<http://www.nevadadot.com/>). This webpage provides a general overview of illicit discharges and reporting instructions. NDOT Environmental Services Division will house and maintain a database of all illicit discharges reported.

The Facility Pollution Prevention Plan (FPPP) developed for the Reno/Sparks Maintenance Facility includes a brief section on illicit discharges and reporting procedures. All future FPPPs developed will include a section addressing illicit discharge detection as well.

Illicit discharge investigations will be documented accordingly in NDOT's annual SWMP reports submitted to NDEP.

## E.2. Drainage System Maintenance Activities

**Potential Permit Violation:** *NDOT has failed to identify inlets that pose a significant threat to water quality. [2004 Permit Section 4.14.1.6]*

NDOT is requesting further guidance from the EPA or NDEP as to what is considered "significant."

## E.3. Maintenance Facilities

**Potential Permit Violation:** *NDOT has failed to develop Storm Water/Facility Pollution Prevention Plans for all maintenance facilities. [2004 Permit Section 4.14.1.6.1 and 2010 Permit Section III.S]*

Since the Audit, Environmental Services Division developed an FPPP for the Reno/Sparks Maintenance Facility. In an effort to develop subsequent FPPPs, comprehensive Maintenance Facility inspections have been underway to better assess and understand maintenance practices and facility types across the state. Since the Audit, Environmental Services Division has inspected 37 Maintenance facilities throughout the State. These inspections will assist NDOT with developing BMPs and stormwater pollution prevention measures appropriate to the type of facility.

As mentioned during the Audit, Environmental Services Division has developed Best Management Practices Plans for maintenance facilities throughout the State. There is significant overlap with the BMPs and pollution prevention practices listed in these plans and what is required in the Permit specified FPPPs.

## F. Monitoring, Recordkeeping and Reporting

**Potential Permit Violation:** *NDOT failed to submit a storm water monitoring plan for 2010 and 2011 which evaluated how monitoring may assist in making decisions about program compliance, the appropriateness of identified BMPs, and progress toward achieving identified measurable goals. [2004 Permit Section 5.1.1 and 2010 Permit Section IV.A.1]*

NDOT will ensure that future monitoring plans will be developed and in compliance with the Permit requirements.