

Oklahoma Department of Transportation

Storm Water Runoff Inspections
Construction Control Directive No. **19950515**

August 4, 2022

Scope: To define the Oklahoma Department of Environmental Quality requirements, and the Oklahoma Department of Transportation and their Contractors responsibilities for development, documentation and maintenance of a Storm Water Pollution Prevention Plan for each project requiring a Storm Water Permit.

Requirements

The Clean Water Act and the National Environmental Policy Act make it illegal to discharge pollutants into the environment of the United States. The Oklahoma Department of Environmental Quality (ODEQ) is the regulatory, enforcement and permitting authority for the Environmental Protection Agency (EPA) in the State of Oklahoma. The Contractor must obtain a Storm Water Permit from ODEQ to perform soil disturbing activities on a construction project that disturbs one acre or more, which may create a potential for pollutants leaving the project. Pollutants (sediment, oils, dust, etc.) generated by the Contractor's construction activity must be prevented or reduced from leaving the project site to the maximum extent practicable.

Obtaining Permission

The State of Oklahoma operates under the General Permit of the National Pollutant Discharge Elimination System (NPDES). The NPDES was created under the Acts mentioned above. To be included under this permit, the Contractor must make application for each project which meets the minimum criteria. This application is in the form of a Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity. Prior to letting of the contract, the Oklahoma Department of Transportation (ODOT) Design personnel will submit a partially completed NOI to the Office Engineer Division along with the project plans. After the contract is awarded, the NOI is forwarded to the Contractor with the contract documents. This NOI is completed by the Contractor and submitted to ODEQ for permit application. If ODEQ accepts the NOI, a permit is issued for the project. This permit essentially indicates that the Contractor can perform soil disturbing activities on that particular project as long as the necessary steps are taken to ensure that any pollutant laden runoff is prevented or reduced from leaving the project.

Each permit issued by the ODEQ has an associated annual fee. The Contractor pays this fee yearly for each permitted project. The cost of this permit is to be included in the price bid for the pay item "SWPPP Documentation and Management" in the contract.

Inspection and Maintenance

Inspections will be required on all disturbed areas of the project, material storage areas, locations where vehicles enter and exit, portable plant sites established for the project, borrow areas, and any locations where storm water leaves the project. The Contractor will conduct and document these project inspections and will perform any maintenance required in accordance with Subsection 220.04.H(4). This also includes updating the documentation to the SWPPP. The Residency Office assigned to each permitted project shall ensure that required documentation is executed and any maintenance be performed. This is a NPDES permit requirement. Failure to perform these inspections, document corrective actions or confine the pollutants to the project could result in fines imposed by ODEQ and ODOT may apply non-compliance assessments. A copy of an approved inspection form is available at <https://oklahoma.gov/odot/programs-and-projects/environmental/storm-water-odot-contractors.html>. This form must be signed by the contractor's representative on the project and by an ODOT representative. The inspection reports shall be retained by the contractor on site for potential ODEQ inspection. The contractor shall submit a copy of the reports to the Residency as they are performed, but no later than the completion of the construction activities.

During the course of construction, ODEQ may send a local representative to the project for random compliance inspections without notification to the Contractor.

Permit Termination

Once the work on the project is completed, the Contractor must apply to be terminated from this permit. This application takes the form of a Notice of Termination (NOT). By submitting the NOT, the Contractor is indicating that the project has achieved 70% stabilization of the native background cover and that there is little risk of pollutant laden storm water runoff leaving the project. Prior to submitting the NOT, the Contractor may submit an Inspection Request Form to ODEQ for a preliminary inspection to determine if any further corrective measures are necessary. This action is highly recommended as it could prevent receiving a failing inspection on the NOT. After submitting the NOT, ODEQ will perform a final inspection on the project

site and either approve the NOT, thereby releasing the contractor, or will reject the NOT and require further action on the part of the Contractor.

To eliminate unnecessary costs to the Contractor, it is important that once a project is stabilized, the NOT is submitted. Submittal of the NOT and the acceptance of the NOT by ODEQ terminates the yearly fee requirement.

Copies of the NOI and the NOT, as well as the requirements associated with the NPDES General Permit, can be found on ODEQ's website at <http://www.deq.state.ok.us/>

Roles and Responsibilities

Both ODOT and the Contractor have roles which must be performed for a project requiring a NPDES permit. Table 1 summarizes the roles and responsibilities of both the Department and the Contractor as defined in Section 220 of the Standard Specifications. In order to provide clarity, the term Storm Water Management Plan (SWMP) is used for ODOT's process prior to letting, and Storm Water Pollution Prevention Plan (SWPPP) for the Contractor's actions after the contract is awarded.



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Required Roles		
Time Period	Entity Involved	Action Required
Prior to Letting	Design Engineer	Design the initial SWMP; determine the amount of soil disturbance anticipated; define the receiving waters which would receive runoff from the project; specify pay items and estimated quantities; etc.
After Contract Award	Office Engineer	Provide a partially completed NOI to the Contractor.
Prior to Earth Disturbing Activities Commencing	Contractor	Complete the Contractor information, signatory blocks and Start and Completion Date on the NOI; and submit the NOI to ODEQ for permitting.
Before work begins on project.	Residency Office	Verify the Contractor's Authorization to Discharge documents; discuss the requirements of the NPDES permit with the Contractor; and discuss the role of the Department and the Contractor on the project with regard to the SWPPP.
During construction work.	Residency Office	Ensure that weekly project inspections and maintenance is being performed by the Contractor; and monitor the Contractor's work to ensure that he fulfills the intent of the SWPPP.
During construction work.	Contractor	Install and maintain the sediment and erosion controls on the project in a timely and updated manner; comply with the requirements associated with the NPDES permit; document the weekly project inspections and perform any maintenance required; ensure that the NPDES permit and the current SWPPP are available on the project site; and amend the SWPPP as the project proceeds to reflect progress.
Project has attained 70% stabilization of native background cover.	Contractor	Complete the NOT for the project and submit to ODEQ (ODEQ will conduct an inspection of the project for approval of the NOT); and supply documentation to the Residency of successful permit termination.

Table 1