• Phase I Permit
  – 2001, reissued May 2013
  – Audited 2006 & 2013 (both audits on original permit)

• Phase II Permit
  – Dover urbanized area, 2003
  – State desk audit only

• Industrial permits, 16 yards statewide
2013 Audit - Overview

• Inspected IDDE, construction, post-construction and maintenance facilities.

• Timeline:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notified of inspection</td>
<td>April 5, 2013</td>
</tr>
<tr>
<td>Document request due</td>
<td>April 10, 2013</td>
</tr>
<tr>
<td>Conference call</td>
<td>April 12, 2013</td>
</tr>
<tr>
<td>Inspection</td>
<td>April 18-19, 2013</td>
</tr>
<tr>
<td>2nd visit to two yards</td>
<td>July 24, 2013</td>
</tr>
<tr>
<td>Inspection report</td>
<td>August 22, 2013</td>
</tr>
<tr>
<td>Response to report</td>
<td>Sept. 30, 2013</td>
</tr>
<tr>
<td>Enforcement AOC and CAFO received</td>
<td>Feb. 4, 2014</td>
</tr>
<tr>
<td>Enforcement negotiations</td>
<td>Ongoing...</td>
</tr>
</tbody>
</table>
2013 Audit - Results

• Inspection Report:
  – 10 observations of possible non-compliance
  – Some were misunderstandings of our programs
  – Our response appended to report

• Enforcement:
  – Proposed AOC and CAFO cited 5 violations
  – Proposed fine $53,000
  – Negotiations still ongoing...
2013 Audit - Results

1. Failure to update PPPs ($7K)
2. Potential for vehicle washwater to circumvent BMP ($22K)
3. Salt not under cover ($5K)
2013 Audit - Results

4. Failure to conduct appropriate training for construction site operators ($7K, dropped)

5. Failure to properly enforce construction site inspection findings ($7K)

6. “Economic Benefit Fee” ($5K)
DelDOT – Lessons Learned

• Have responsible staff participate in preparation, audit, enforcement responses and follow-up.
  – *Everyone will better understand permit programs*
  – *More ownership of their role*

• Document **EVERYTHING**.
  – “*If it’s not documented, it didn’t happen...*”
  – *Procedures, inspections, follow-up actions, training, etc.*
  – *Make sure documentation is kept up to date*
  – *Have all plans/SOPs officially approved by state regulator*
  – *Need a document management system*
DelDOT – Lessons Learned

• Anticipate issues.
  – Known issues in your program
  – Audits of other permittees in your EPA Region
  – Visit all sites prior to audit.

• Provide only the requested information.

• Re-read your permit and SWPP&MP – they are the standard for enforcement.

• Keep good notes and take photos; immediately send additional information or clarification.

• Everything is negotiable.
Useful Tools/Techniques

• Have responsible staff available to participate in briefings and field inspections
  – Choose staff that have both big-picture and detailed knowledge
  – Include relevant consultants that perform that work
  – Brief everyone on what to expect and anticipated questions/issues

• Anticipate issues and be prepared to speak to them
Useful Tools/Techniques

• Have responsible staff available to participate in briefings and field inspections
  – Choose trustworthy staff that have both big-picture and detailed knowledge
  – Include relevant consultants that perform that work
  – Brief everyone on what to expect and anticipated questions/issues
  – Decide ahead of time how to divide people up
  – Include state regulators, as appropriate – they may be helpful
Useful Tools/Techniques

• Have all potentially relevant backup material handy and accessible
  – Poster of org chart
  – Copies of annual reports, SOPs, plans, SWPP&MP, PPPs
  – Organize the backup material in a special audit folder