



**UTAH DEPARTMENT OF TRANSPORTATION (UDOT)
MUNICIPAL SEPARATE STORM
SEWER SYSTEM (MS4) PROGRAM
AUDIT REPORT**

Remote Audit Dates: March 1-2, and 16, 2023

Field Site Visit Dates: March 6-9, 2023

Report Date: August 2, 2023

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I. INTRODUCTION

On March 1, 2, 6-9, and 16, 2023, representatives of the U.S. Environmental Protection Agency (EPA), EPA contractor, PG Environmental, and Utah Department of Environmental Quality (UDEQ), (hereinafter, “EPA Audit Team” or “Team”) performed a compliance audit of the Utah Department of Transportation (hereinafter, “UDOT” or “Permittee”) Municipal Separate Storm Sewer System (MS4) Program. The audit consisted of a remote interview process on March 1 and 2, 2023 which included virtual MS4 program discussions with the Permittee, and an onsite inspection process on March 6-9, 2023. The onsite audit process included field site visits to all four UDOT regions (Regions 1, 2, 3, and 4). The EPA Audit Team separated into two teams for the field site visits: EPA Audit Team A conducted field site visits in UDOT Regions 1 and 2, while EPA Audit Team B visited UDOT Regions 3 and 4. A virtual closing conference was held on March 16, 2023, to discuss preliminary findings from the audit with the Permittee. The presentation of findings in this report does not constitute a formal compliance determination or notice of violation.

Inspection Purpose

The purpose of the audit was to assess UDOT’s compliance with requirements of the *Authorization to Discharge Municipal Storm Water Under the Utah Pollutant Discharge Elimination System (UPDES)* (Permit No. UTS000003; hereinafter, the “Permit”). Additionally, the audit assessed UDOT’s implementation of the MS4 program with respect to U.S. Consent Decree for Case 2:19-cv-00677-TC, filed December 3, 2019; hereinafter, “Consent Decree”, or “CD.”

The Consent Decree was issued following the EPA and UDEQ joint inspection of UDOT’s MS4 program that took place on June 17-21, 2013. The inspection report, dated February 24, 2015, identified Permit violations including but not limited to discharge of pollutants to the drainage system from UDOT’s maintenance stations, lack of construction permit coverage at UDOT operated construction sites, failure to identify and monitor all outfalls, and lack of adequate training of UDOT personnel. On December 3, 2019, the EPA and UDOT entered into the CD, which outlined requirements for UDOT to address noncompliance observed during the 2013 inspection.

UDOT Program Components Reviewed

The audit focused on UDOT’s overall program management and their implementation of the following four Permit minimum control measures (MCMs):

- Illicit Discharge Detection and Elimination (IDDE)
- Construction Site Storm Water Runoff Control
- Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Stormwater Management)
- Pollution Prevention and Good Housekeeping for UDOT Facilities and Operations (PPGH)

Information Obtained Relative to Permit and CD Requirements

In addition to information already maintained in EPA and UDEQ records or publicly available on UDOT's website, the EPA Audit Team obtained documentation and other supporting information to evaluate compliance with the Permit and CD prior to, during, and after the remote interviews and field site visits.

On February 6, 2023, the EPA Audit Team notified the Permittee of the MS4 audit and provided the Permittee with a records request that listed documents to be available during the audit, with certain items to be provided prior to the audit (refer to Appendix A). The EPA Audit Team requested additional documents throughout and following the virtual and field components of the audit (refer to Appendix A). UDOT made the requested documents available electronically to the EPA Audit Team utilizing an EPA-hosted shared cloud folder. The EPA Audit Team reviewed the documentation and other supporting evidence provided by UDOT regarding compliance with the Permit and CD. Referenced documentation used as supporting information for the report and findings is provided in Appendix C, Exhibit Log.

Inspection Attendees

In addition to UDOT's documentation and supporting information, the EPA Audit Team obtained information through interviews and discussions with UDOT representatives during the remote and onsite portions of the audit. The following individuals were the primary participants in the remote and onsite audit processes. The audit sign in sheets with a list of other representatives who participated in some aspects of the audit are included in Appendix C, Exhibit 1.

	Name(s)/Title
Primary UDOT MS4 Program Staff:	Rhonda Thiele – Stormwater Program Manager, primary lead during the audit
	Bren Edwards – UDOT Region 1 Coordinator
	Stephanie McGinnis – UDOT Region 2 Coordinator
	Lenora Sullivan – UDOT Region 3 Coordinator
	Brandon Burrows – UDOT Region 4 Coordinator
	Sidney Pharr – UDOT Stormwater Specialist
UDEQ Staff:	Jeanne Riley – General Permitting Section Manager
	Kelsee York – MS4 Program Coordinator
	Carl Adams – Environmental Scientist
	David Smith – Construction Stormwater Program Coordinator
EPA Region 8 Staff:	Stephanie Meyers – Inspector and Enforcement Officer
	Akash Johnson – Inspector and Enforcement Officer
Contractor Staff:	Tiffany Brackett – Inspector, PG Environmental
	Taylor Fontaine – Inspector, PG Environmental

II. UDOT PROGRAM BACKGROUND

UDOT MS4 Program Description

The Permit was issued on August 31, 2021. The Permit is intended to reduce pollutants entering surface waterbodies from stormwater runoff originating in the UDOT MS4 and covers new or existing discharges of stormwater statewide from UDOT owned or operated areas. Note, the terms “storm water” and “stormwater” will be used interchangeably throughout this report to address Permit citations, position titles, etc...

The UDOT Maintenance and Facilities Division is responsible for implementing UDOT’s stormwater program and has staff responsible for stormwater activities in the central headquarters and each region. UDOT provided the EPA Audit Team with a copy of the organizational chart (refer to Appendix C, Exhibit 2). UDOT’s stormwater program is led by the Stormwater Program Manager. The Stormwater Program Manager, who sits at the UDOT Central Headquarters, provides overall guidance and direction on Permit compliance, coordinates stormwater activities across the state, oversees the development and update of Permit documentation, and works with local and state entities including the UDEQ in addressing stormwater-specific compliance issues. The Stormwater Program Manager oversees the UDOT Regional Stormwater Coordinators (RSC) and Stormwater Specialists, discussed further below.

UDOT is separated into four distinct geographic areas, called regions, which cover the entire state. The regions are designated as Regions 1, 2, 3, and 4, with Region 1 in the north of the State and 4 covering the south. Regions 1 and 3 include six counties, Region 2 includes three counties, Region 4 is geographically the largest and includes thirteen counties.

An RSC is assigned to each region where they manage stormwater permitting and compliance matters specifically. Each RSC reports directly to the Stormwater Program Manager. The RSC implements the Stormwater Program Manager’s guidance and direction on MS4 Permit compliance, conducts periodic construction site documentation oversight inspections, assists with IDDE-related incidents, and assists in the development of UDOT’s MS4 Annual Report.

At the time of the audit, UDOT had two Stormwater Specialist positions (one filled and one vacant) who assisted the Stormwater Program Manager. Stormwater Specialist duties include assisting in compiling MS4 Permit required documentation including the Annual Report, assisting in developing MS4 training, and overseeing UDOT’s Spill Response Hotline. Additionally, the Stormwater Specialists assist RSCs with coordination amongst the UDOT HQ and four UDOT regions regional for Permit compliance.

UDOT’s Stormwater Team also includes:

- Pre-construction Division which assists with the design of stormwater management best management practices (BMPs).
- Construction Division which provides oversight of construction contracts, and various construction site inspections.
- Permitting Division: Statewide policies and procedures for encroachment permits.

- Traffic and Safety Division which assists Regions with emergency spills and illicit discharges.
- Employee Development Division which assists with training.

Within these divisions, regional staff such as Regional Engineers (RE's), Environmental Control Supervisor (ECS) Inspectors, and Maintenance Station Supervisors assist with the implementation of the stormwater program.

As required by the Permit, to assist with MS4 program guidance, UDOT developed a stormwater management program (SWMP) document (refer to [Appendix C, Exhibit 3](#)). The SWMP highlights all facets of the MS4 program, and outlines processes and practices to help reduce the discharge of pollutants into waters of the State. During the virtual portion of the Audit, UDOT representatives stated that the SWMP is reviewed by UDOT stormwater staff annually on a statewide level to reflect current practices and updates, as necessary.

Minimum Control Measures

Illicit Discharge Detection and Elimination (IDDE) Program

At the time of the inspection, UDOT had developed a geographic information system (GIS)-based program for mapping the MS4 system. UDOT contracts with Consor Engineers, LLC to assist with MS4 mapping and dry weather screening activities. UDOT reported the last dry weather screenings were conducted in December 2020; and UDOT representatives stated that more are scheduled for the summer of 2023. UDOT representatives stated that mapping is updated on an ongoing basis as outfalls are inspected.

Illicit Discharge Reporting:

During the remote portion of the audit, UDOT representatives stated that UDOT maintains an illicit discharge hotline for reporting suspected illicit discharges. This hotline is managed by the UDOT Stormwater Specialist. Illicit discharge reports come in from various sources including local health departments and the Utah Highway Patrol. Once UDOT is notified of a potential illicit discharge, UDOT staff will record the reporting party's information and ensure the potential spill has been reported to the UDEQ. UDOT will then task staff, sometimes a local maintenance station representative or RSC to investigate, gather information and take photographs. In all cases, the RSC is notified.

IDDE Regulatory Mechanisms and Enforcement:

UDOT can utilize several regulatory mechanisms to enforce the IDDE program. Utah Code 72-7-102, 72-7-104, and 72-7-208 grants UDOT authority to detect, investigate, eliminate, and enforce against any non-stormwater discharges (including illegal dumping) that it identifies in its storm drainage system or within its right-of-way. UDOT also provides guidance regarding illicit discharges through the SWMP and the IDDE Plan.

During the remote portion of the audit, UDOT representatives stated that, during investigation of a spill, if UDOT personnel have difficulty identifying the responsible party, they will secure funding, perform cleanup operations themselves, then bill the responsible party through cost

recovery. UDOT representatives stated that, if the responsible party is at the scene, the responsible party will usually engage an environmental contractor to perform cleanup operations.

Construction Site Stormwater Runoff Control Program (Construction Program):

Construction in UDOT Right of Way (ROW) is generally completed by contractors who are contractually obligated to follow UDOT's *Standard Specifications and Standard Drawings* books and UDOT includes language in contracts that addresses storm water requirements specifically.

At the time of the audit, UDOT representatives stated UDOT considers all construction sites to be "priority construction sites". Permit Part 7.36 states, "Priority construction site" means a construction site that has potential to threaten water quality when considering the following factors: soil erosion potential; site slope; project size and type; sensitivity of receiving waterbodies; proximity to receiving waterbodies; non-storm water discharges and past record of non-compliance by the operators of the construction site." Per UDEQ and UDOT requirements, all projects with one or more acres of earth disturbance are required to obtain authorization under the UPDES Construction General Permit Number No. UTRC00000 (CGP). All projects with less than one acre of earth disturbance are not required to obtain CGP authorization but must have an MS4 Compliance Plan. Permit Part 7.26 states that the purpose of an MS4 Compliance Plan is to, "ensure that all projects that have under an acre of earth disturbance include Best Management Practices (BMPs) to prevent the discharge of pollutants associated with construction activities from the UDOT right-of-way and any staging or storage areas."

As part of UDOT's MS4 Construction Program, the UDOT Central Headquarters developed and maintains procedures for implementation of the MS4 Construction Program as well as assists the regions with implementation of the program. In response to the CD, UDOT developed the *Construction Site Stormwater Runoff Control Program Consent Decree Submission* which discusses UDOT's MS4 Construction Program and presents procedures and forms. Additionally, Section 6 of UDOT's SWMP addresses construction site activities, and Appendix C includes UDOT Best Management Practices Fact Sheets for guidance. The fact sheets address items such as temporary erosion controls, Stormwater Pollution Prevention Plans (SWPPPs), environmental compliance, ECS training, and contractor rating. The SWMP also references the AASHTO (American Association of State Highway and Transportation Officials) *Construction Stormwater Field Guide* which presents information on design, inspection, and maintenance for temporary BMPs such as: rolled erosion control products, berms, storm drain inlet controls, slope drains, outlet protection, and stabilization. In addition to the above documents, UDOT maintains standard operating procedures (SOPs) on the UDOT stormwater resources webpage that cover the construction process from the design phase to CGP Notice of Termination (NOT). At the time of the Audit, UDOT representatives stated that the SOPs were created in 2018 and had recently been updated.

At the time of the audit, the UDOT representatives stated that all construction site stormwater inspectors must obtain ECS certifications. Contractors must designate an ECS on all projects with UPDES Permits. UDOT staff and contractors who have successfully completed ECS Training must retake the course every 3 years to remain certified. Additionally, UDOT representatives stated that UDOT employees complete the *Construction Stormwater Training*

Module which covers items such as SWPPP requirements, BMPs, and Inspection procedures. The SWMP notes that the training is assigned to staff and taken in the UDOT Learning Portal which assigns courses annually. At the time of the audit, UDOT was in contact with UDEQ to update their construction stormwater training and provided the training documentation to the EPA Audit Team.

In addition to ECS inspectors, the State Construction Engineer, Region Resident Engineers (RE), Region Landscape Architects (LAs), and RSC all have responsibilities under the Construction Program.

SWPPP Review Process:

Construction project designs must incorporate erosion and sediment control measures and have a site specific SWPPP. The RSC reviews all erosion and sediment control plan measures, making comments which are addressed by the UDOT RE's before the SWPPP is provided to the contractor for finalization. Specific SWPPP development and review procedures are included in Section 6.4.3 of the SWMP and described by UDOT representatives during the audit. Procedures include:

- Determining if the project must be authorized under the CGP;
- Developing the bid package which includes a draft SWPPP which is reviewed by the RE;
- Providing the SWPPP to the selected contractor for finalization.
- The SWPPP is returned to the RE after the contractor has made necessary changes;
- The RSC reviews and accepts the SWPPP or makes comments and may request additional changes; and
- The final document is signed by the contractor and RE and maintained onsite.

UDOT representatives stated that the SWPPP uses a Survey123 form for review of the document during development.

Inspections/Enforcement:

At the time of the audit, UDOT representatives stated, and the SWMP details, that there are four types of inspections performed on construction sites; pre-land disturbance inspections performed by a UDOT ECS to verify BMPs are in place, construction site documentation oversight inspections performed by an RSC, weekly compliance inspections performed by the UDOT ECS with the contractor ECS, and follow-up corrective action inspections performed by the UDOT ECS.

During the audit, the UDOT representatives stated that UDOT required compliance inspections once a week during the active construction season and monthly inspections when the site is inactive. Additionally, the SWMP states UDOT ECS must also perform an inspection within 24-hours of any precipitation event equal to or greater than 0.5 inches.

While onsite UDOT ECS inspectors are looking for implementation of the SWPPP and proper installation of maintenance of stormwater erosion and sediment control BMPs as well as the overall condition of the site. If a corrective action identified during the inspection requires a follow-up inspection, UDOT ECSs are supposed to document this in the inspection report.

Inspections are documented on the UDOT SWPPP Compliance Inspection Form, which is maintained with the SWPPP, usually onsite. For most projects, these inspection forms were completed and maintained in hard-copy form. Some projects were utilizing Masterworks, a digital database, to track inspection information. For projects utilizing Masterworks, UDOT representatives stated that, for the time being, information from hardcopy inspection forms had to be manually entered into Masterworks inspection forms, which reflected the same information, and both hard-copy and electronic versions of inspection forms were maintained.

According to the UDOT representatives, corrective actions are identified on UDOT SWPPP Compliance Inspection Forms (back of hard-copy forms) and must be completed within a given timeframe; however, they stated most issues identified during the inspections are corrected immediately and if not, are corrected by the next inspection. UDOT representatives stated standard contract language includes Regulatory Mechanism 01355 which outlines the disincentives if corrective actions are not addressed in a timely manner. Additionally, UDOT maintains an *Enforcement Procedures SOP* which is available to UDOT staff and contractors. The enforcement tools available to UDOT are also outlined in the SWMP and include:

- Verbal warnings – highlight deficiencies and show escalating enforcement will be used if not corrected.
- Disincentives – financial penalty, \$1,000 per day for each calendar day or portion thereof the project is not in compliance with required permits and regulations. Per the SWMP, disincentives assessed increase to \$2,000 per day if the Contractor remains in noncompliance after three days and increase to \$3,000 per day if the Contractor remains in noncompliance after seven days.
- Cease and desist orders – for specific activities on the site.
- Stop work orders – stop work at the site.

According to the SWMP, all enforcement should be noted in the enforcement action log (refer to Appendix C, Exhibit 3). UDOT representatives stated that escalation can occur for repeat noncompliance. Guidance for escalation for repeat noncompliance is included in the SWMP.

The RSC performs a construction site documentation oversight inspection (oversight inspection) at least once during the active construction phase of the project. These were described by UDOT representatives as a document review (i.e., no site visit). During these inspections, the RSC would visit the site and review onsite documentation such as the SWPPP, map, site inspections and corrective actions identified. Oversight inspections are documented in the Survey123 form. The Survey123 form walks the reviewer through the review process including items for the RSC to check and space for the RSC to record any deficiencies that are noted with the documents. Although not the main purpose of the review, UDOT representatives stated that if a BMP deficiency is noted during the oversight inspection, it is documented, and photographs are attached as necessary in the communication between the RSC and RE. The RSC reports all deficiencies back to the RE who may require corrective actions and enforcement, as necessary.

Project Closeout:

UDOT representatives stated that once a project is completed, UDOT and Contractor ECS are supposed to complete a final NOT inspection to determine if the project can be closed out and a

NOT can be submitted to UDEQ. If anything is not completed, such as temporary BMPs are still in place or permanent stabilization has not been achieved, then these must be addressed prior to UDOT RSC approval of a NOT to be submitted to UDEQ. UDOT representatives stated that in some cases where final stabilization will extend beyond the duration of other work at a project, UDOT will release the contractor and take over project CGP responsibilities as the primary operator, monitoring the progress of vegetative stabilization until it is complete and a NOT can be submitted. In these instances, long-term final stabilization inspections and associated CGP responsibilities are often delegated to local UDOT maintenance station staff. UDOT has SOPs for project closeout and NOT submission available on the contractor stormwater resource webpage.

Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)

At the time of the audit, UDOT's Post-Construction Stormwater Management Program applied to all new development and redevelopment projects that disturb at least one acre. The SWMP states the goal of the program is to match pre-development hydrology but at a minimum that all sites retain stormwater for an 80th percentile, 24-hour storm event. During the remote audit discussions, UDOT representatives stated that they had contracts with third-party entities to assist with the implementation of the program both during design and inspection. UDOT representatives stated that the contracts include information to ensure contractors follow stormwater requirements in the Permit. Additionally, UDOT representatives stated that during the design phase, the RSC and hydraulic engineers work on the projects and ensure the design requirements are met and regional station staff perform inspections and maintenance on UDOT owned BMPs. During the remote audit process, the UDOT representatives stated that when long-term BMPs are turned over to a neighboring agency within their right of way, Section 7 of the drainage agreement requires the entity to perform maintenance.

To implement this program, UDOT developed several documents, both technical and procedural. UDOT provided the EPA Audit Team with the *Stormwater Quality Design Manual* (design manual) which was last updated in May 2021. UDOT representatives stated this document is used during the design process to instruct the design engineers and ensure UDOT is meeting Permit requirements. Additionally, the SWMP Section 7 outlines the Post-Construction Stormwater Management Program and directs the reader to program documents which include guidance as well as forms for the documentation of design preparation and review and inspections of facilities. In addition to the documents referenced in the SWMP, UDOT also provided a procedural document for inspection and maintenance titled *Information Recorded in UDOT LTSW Inspection and Maintenance Log* and *UDOT's Detention Basin Inspection Plan*.

Design and Review:

UDOT representatives stated that during the design phase, the design manual is used to design the long-term BMPs. The project stormwater BMP design process is documented in the *Stormwater Quality Document for Long-Term Stormwater BMP Design* form which includes pertinent information such as general project information, project volume reduction goals (with calculations), receiving waters, water quality BMPs, BMP maintenance, and documentation if BMP implementation is infeasible. During the remote audit discussions UDOT representatives stated that some of the items considered when determining feasibility of a long-term BMP

include items such as groundwater, significant utilities, right of way constraints (space available and safety), and cost. UDOT representatives stated that low impact development (LID) is also considered during the design phase.

UDOT representatives stated that reviews of designs are performed by UDOT staff including the RSC and hydraulic engineers. Additionally, UDOT representatives stated that the Project Delivery Network (PDN) includes QA/QC processes that must be followed. UDOT maintains project plans and related information in UDOT's ProjectWise database and once the BMP is constructed, it is added into UDOT's ArcGIS Online Platform, UPLAN. UDOT representatives stated that UPLAN serves as their long-term BMP inventory.

Inspection and Maintenance:

According to UDOT representatives, in 2021 UDOT hired a contractor to perform inspections of the long-term BMPs. Over 300 inspections of long-term BMPs were completed by the contractor. During the audit, UDOT stated that the RSC might participate in inspections of long-term BMPs in certain situations, such as if an inspector must go onto private property. Inspections are recorded in a Survey123 form. The form requires information about the BMP including inspection date, name and signature of inspector, location, description of the conditions, maintenance issue, and photographs as appropriate. At the time of the remote audit discussion, UDOT representatives stated that the next round of BMP inspections was expected to take place later in 2023.

Maintenance needs were identified for some long-term BMPs through the 2021 inspections. UDOT representatives stated these needs were being addressed based on access to the BMPs and available funding. The most common long-term BMP maintenance performed by UDOT is mowing. UDOT representatives stated that the long-term stormwater control BMPs receive mowing in the summer unless the site cannot be accessed for some reason such as high-water levels where mowers cannot enter the area. UDOT representatives stated mowing is generally completed by the maintenance crews during "normal roadside" mowing operations. UDOT representatives noted that mowing or any maintenance activity would be noted in the ATOM maintenance system which generates the work orders. UDOT representatives stated that each region has their own schedule for maintenance.

Training:

UDOT representatives stated that post-construction maintenance and review process training is completed by all staff prior to performing any work on long-term BMPs. Specifically, the training includes the completion of the long-term stormwater management module, which includes training on the different types of BMPs and how they should be designed and maintained. Section 11.2.2.2 – Stormwater Program Contracted, of the SWMP, states, "Any contracted staff that works directly with the UDOT Stormwater Team receives constant training through meetings with UDOT's stormwater staff" (refer to [Appendix C, Exhibit 3](#)).

Pollution Prevention and Good Housekeeping for UDOT Facilities and Operations (PPGH)

UDOT's PPGH program is applied to UDOT owned or operated facilities including maintenance stations and yards, equipment storage areas, and storage facilities to protect water quality in the state. During the audit, UDOT representatives stated that all UDOT owned/operated maintenance

stations, and Port of Entry locations are classified as “high priority.” Part 4.2.5.6 of the Permit states, “Each “high priority” facility shall implement a SWPPP outlining measures to prevent pollutants from entering the storm drain system from each of these facilities and contain an inspection schedule of the facility.”

According to the SWMP, PPGH activities include but are not limited to, street and parking lot sweeping, facility and equipment maintenance and storage, plowing, sanding, deicing, and stormwater collection and conveyance system maintenance including catch basin and inlet cleaning. UDOT’s SWMP includes SOPs and goals associated with these maintenance activities.

Inspection and Maintenance:

According to the SWMP, the UDOT Director of Maintenance provides direction for the regional maintenance programs. Each region has a Region Maintenance Area Supervisor who administers maintenance activities, ensures compliance in their respective regions, and provides direction to the individual Maintenance Station Supervisors. The Maintenance Station Supervisors oversee the maintenance activities and inspections, SWPPP updates, and implementation at their respective maintenance stations. Through their PPGH program, UDOT is required to minimize pollutant runoff from facilities. According to the 2021-2022 Annual Report, UDOT owns or operates approximately 145 facilities that have SWPPPs, including maintenance stations, Port of Entry facilities, as well as the regional and central headquarters.

The SWMP includes language that all maintenance stations, Port of Entry facilities, as well as the regional and central headquarters are regularly inspected through a combination of reviewing reports from Monthly, Semi-Annual Comprehensive, and Annual Visual Discharge Inspections. During the audit, UDOT staff stated that the Maintenance Station Supervisors primarily conduct the inspections or assign another maintenance station representative. Inspections and follow-up actions are documented utilizing Survey123. Additionally, at the time of the Audit, UDOT had recently begun using ATOM, a maintenance tracking system which maintenance activities can be tracked by specific codes.

Training:

During the virtual portion of the Audit, UDOT staff stated that they implement a training module for which every new employee is assigned within 60 days of starting as well as annual refresher training for all UDOT staff. During the Audit, UDOT staff provided a copy of their PPGH training module which includes training topics such as MS4 Permit requirements, MCMs, inspections, BMPs and good housekeeping, IDDE, stormwater collection and conveyance, and SWPPPs. Training for UDOT staff is tracked via a training tracking system.

III. REMOTE AUDIT PROCESS

On February 6, 2023, the EPA Audit Team notified the Permittee of the MS4 audit. The remote portion of the audit took place on March 1 and 2, 2023 via video conference call. Discussions were held with UDOT representatives from the Central Headquarters and all four UDOT regions. The remote discussions started with an opening conference where the EPA representatives and the EPA contractors explained the audit process. All parties on the call introduced themselves and provided names and titles. The March 1 discussion and EPA Audit Team’s questions

focused on UDOT's overall MS4 program management and MCM 3: IDDE during the morning session and MCM 4: Construction Site Stormwater Runoff Control in the afternoon. On March 2, the questions and discussions focused on MCM 6: PPGH in the morning and MCM 5: Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management) in the afternoon.

In addition to the initial MS4 Program discussions on March 1 and 2, a closing conference was held remotely on March 16, 2023. During the closing conference, the EPA Audit Team provided preliminary findings from both the virtual and onsite audit process and allowed for questions and comments from the Permittee and discussed next steps.

IV. ONSITE AUDIT PROCESS

The onsite audit process consisted of field site visits which occurred March 6 – 9, 2023 and included in-person discussions with representatives from each region and field activities to observe implementation of UDOT's MS4 program. As stated above, to complete the onsite audit process, the EPA Audit Team split into two teams, A and B. EPA Audit Team A focused on Regions 1 and 2 and EPA Audit Team B focused on Regions 3 and 4. Regions 1 and 3 were visited on March 6 and 7, 2023 and Regions 2 and 4 visited on March 8 and 9, 2023.

The EPA Audit Teams held opening conferences at each region to discuss region specific information, ask follow-up questions from the virtual audit process and discuss logistics for the site visits in the region. During the onsite audit process, the field site visits included UDOT maintenance stations, post-construction stormwater management BMPs, construction sites, and prior illicit discharge sites. Appendix B, Photo Log contains photos taken during the field visits. Field site visit summaries are included below.

Field Site Visit Summaries

UDOT Region 1

Prior to going on the field site visits, EPA Audit Team A met at the UDOT Region 1 Headquarters on March 6, 2023, at 8:00 (MST) with UDOT Region 1 representatives. EPA Audit Team A displayed their Clean Water Act inspector credentials to UDOT representatives at the start of the inspection and explained that the purpose of the audit was to make field site visit findings to complement the offsite compliance review of UDOT's MS4 program conducted March 1-2, 2023. The discussion also included confirming site visit locations, goals for the audit, staffing availability for the field site visits, and overall logistics. Copies of the inspection sign-in sheets are included in the Exhibit Log in Appendix C, Exhibit 1.

EPA Audit Team A and UDOT representatives discussed the target field site visit locations to ensure that active construction was occurring at the intended sites.

Field Site Visits

- i. **West Davis Corridor Construction Project:** Various locations in and around Farmington, UT.

Date of Field Site Visit: 3/6/2023

Summary: EPA Audit Team A began field activities at the West Davis Corridor construction project by conducting an opening conference and stating the purpose of the inspection at the project office for FBC where the team observed relevant construction site documents (i.e., SWPPP, maps, inspection records, etc.). The project itself comprises bridge construction and creating a new 16-mile, 4-lane divided highway in Farmington, UT.

EPA Audit Team A then proceeded to inspect the following active field site locations associated with the construction project (refer to Appendix B, Photographs 1-20). The areas of focus included UDOT staff inspection procedures, erosion and sediment controls at these locations, BMPs, concrete washout areas, fuel and materials storage, wetland buffers, and surface waterbody protection. EPA Inspection Team A observed the following during the field site visit:

- Construction site area adjacent to Farmington Creek;
- Construction site laydown yard;
- Construction site area adjacent to Haight Creek;
- Construction site area adjacent to Baer Creek;
- Construction site area adjacent to Shepard Creek;
- Construction site area adjacent to Holmes Creek;
- Construction site area adjacent to Kays Creek; and
- Construction site area adjacent to Davis Steed Creek, Southeast Junction.

ii. **Perry Port of Entry – Southbound:** 4840 S Interstate Highway 15, Perry, UT 84302
Date of Field site visit: 3/7/2023

Summary: EPA Audit Team A began the field site visit by conducting an opening conference with the maintenance station representative and stating the purpose of the field site visit. EPA Audit Team A began field activities at the Perry Port of Entry - Southbound. The Port of Entry weighs commercial vehicles as they pass through the port and, if needed, can inspect and verify that commercial loads comply with state and federal laws. Vehicles can be flagged for inspection if they are observed by UDOT personnel leaking fluids or do not meet the weight requirements.

The UDOT representative provided EPA Audit Team A with a copy of the site-specific SWPPP. EPA Audit Team A then proceeded to walk the entire field site including the main building, inspection building, and outside areas. Inside the main building, EPA Audit Team A observed the location of floor drains and chemicals (refer to Appendix B, Photograph 21).

EPA Audit Team A observed the inspection building where flagged vehicles are inspected (refer to Appendix B, Photograph 22). EPA Audit Team A then proceeded to inspect the outside areas including dumpsters, parking lot areas, outfalls, and stormwater conveyance structures (refer to Appendix B, Photograph 23).

iii. **Detention Basin #1:** Harrisville, UT (41.2869°, -111.9910°)

Date of Field site visit: 3/7/2023

Summary: EPA Audit Team A observed a detention basin located to the west of U.S. Route 89. Though it did not rain during the field site visit, the detention basin appeared to receive stormwater flow from the highway. Excess stormwater from the detention basin would likely flow into the Western Canal, located directly adjacent to the basin. The basin itself was mostly covered in snow, and it was difficult to get a full view of the basin's condition and maintenance (refer to Appendix B, Photographs 24-26).

iv. **Detention Basin #2:** Harrisville, UT (41.2722°, -111.9796°)

Date of Field site visit: 3/7/2023

Summary: EPA Audit Team A observed a detention basin located to the southwest of U.S. Route 89 and to both the north and southeast of North Harrisville Road. Though it did not rain during the field site visit, the detention basin appeared to receive stormwater flow from the highway and North Harrisville Road. Excess stormwater from the detention basin would likely flow into the Western Canal, located directly adjacent to the basin. The basin itself was mostly covered in snow, and it was difficult to get a full view of the basin's condition and maintenance (refer to Appendix B, Photograph 27).

v. **Ogden Maintenance Station:** 1455 Wall Ave, Ogden, Utah 84404

Date of Field site visit: 3/7/2023

Summary: The EPA Audit Team A began the field site visit at the Ogden Maintenance Station by conducting an opening conference and stating the purpose of the field site visit. The EPA Audit Team A asked the station representatives about the station operations, stormwater infrastructure at the station, inspection procedures, and frequency, and any stormwater challenges.

The maintenance station representative led EPA Audit Team A on a mock inspection around the station (refer to Appendix B, Photographs 28-38). EPA Audit Team A observed the following areas around the station:

- Primary vehicle maintenance and storage shop including, fuel storage and floor drains connected to an onsite oil-water separator (OWS);
- Salt storage shed;
- Vehicle wash rack;
- Waste receptacles;
- Aggregates storage (e.g., gravel and sand);
- Onsite vehicle fueling area with a 500-gallon double walled diesel tank;
- Stormwater retention basin;
 - EPA Audit Team A observed that the basin appeared to be approximately 90% at capacity.
- Stormwater conveyance structures; and
- Waste oil storage and containment.

vi. **Hooper Maintenance Station:** 5690 West 5500 South, Hooper, Utah 84315

Date of Field site visit: 3/7/2023

Summary: EPA Audit Team A began the field site visit at the Hooper Maintenance Station by conducting an opening conference and stating the purpose of the field site visit. EPA Audit Team A asked the station representatives about the station operations, stormwater infrastructure at the station, inspection procedures, and frequency, and any stormwater challenges.

The maintenance station representative with 6 months of maintenance station inspection experience led EPA Audit Team A on a mock inspection around the station (refer to Appendix B, Photographs 39-44). EPA Audit Team A observed the following areas around the station:

- Salt storage shed;
- Primary vehicle maintenance and storage shop including floor drains connected to an onsite OWS;
- Waste receptacles;
- Waste oil storage and containment;
- Aggregates storage (e.g., dirt);
- Stormwater conveyance structures; and
- Stormwater retention area.

vii. Centerville Maintenance Station: 1100 North 1250 West, Centerville, Utah 84014

Date of Field site visit: 3/7/2023

Summary: EPA Audit Team A began the field site visit at the Centerville Maintenance Station by conducting an opening conference and stating the purpose of the field site visit. EPA Audit Team A asked the station representatives about the station operations, stormwater infrastructure at the station, inspection procedures, and frequency, and any stormwater challenges.

The maintenance station representative with 6-8 months of maintenance station inspection experience led EPA Audit Team on a mock inspection around the station (refer to Appendix B, Photographs 45-52). The EPA Audit Team A observed the following areas around the station:

- Primary vehicle maintenance and storage shop including floor drains connected to an onsite OWS;
- Salt storage shed;
- Waste receptacles;
- Aggregates storage (e.g., cold patch);
- Waste oil storage and containment;
- Salt brine storage tanks;
- Stormwater conveyance structures; and
- Vehicle wash rack.

UDOT Region 2

Prior to going on the field site visits, EPA Audit Team A met at the UDOT Region 2 Headquarters on March 8, 2023, at 8:00 (MST) with UDOT Region 2 representatives. EPA Audit Team A displayed their Clean Water Act inspector credentials to UDOT representatives at the outset of the inspection and explained that the purpose of the audit was to make field site visit findings to complement the offsite compliance review of UDOT's MS4 program conducted March 1-2, 2023. The discussion also included confirming site visit locations, goals for the audit, staffing availability for the field site visits, and overall logistics. Copies of the inspection sign-in sheets are included in the Exhibit Log in [Appendix C, Exhibit 1](#).

i. **Echo Maintenance Station:** I-80 Exit 169 Echo Canyon Rd., Echo, Utah 84024
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team A began the field site visit at the Echo Maintenance Station by conducting an opening conference and stating the purpose of the field site visit. EPA Audit Team A asked the station representatives about the station operations, stormwater infrastructure at the station, inspection procedures, and frequency, and any stormwater challenges.

The maintenance station representative, who received ECS training, led EPA Audit Team A on a mock inspection around the station (refer to [Appendix B, Photographs 53-58](#)). EPA Audit Team A observed the following areas around the station:

- Primary vehicle maintenance and storage shop including floor drains connected to an onsite OWS;
- Salt storage shed;
- Covered fuel storage;
- Waste receptacles;
- Stormwater conveyance structure;
- Fuel island with a double-walled storage tank containing 5,000 gallons of diesel fuel;
- Waste oil storage and containment; and
- Stormwater retention basin.

ii. **Salt Lake East Maintenance Station:** 1950 S. 500 W., Salt Lake City, Utah 84115
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team A began the field site visit at the Salt Lake East Maintenance Station by conducting an opening conference and stating the purpose of the field site visit. EPA Audit Team A asked the station representative about the station operations, stormwater infrastructure at the station, inspection procedures, and frequency, and any stormwater challenges.

A maintenance station representative led EPA Audit Team A on a mock inspection around the station (refer to [Appendix B, Photographs 59-84](#)). EPA Audit Team A observed the following areas around the station:

- Salt storage shed;
- Aggregate storage (e.g., rocks, sand, and gravel);
- Vehicle wash rack;
- Waste receptacles;
- Decant station solid and liquid waste generated by cleaned catch basins, ditches, and drainage pipes;
- Stormwater conveyance structures;
- Double-walled vehicle fuel tank containing 400 gallons of diesel fuel and 400 gallons of gasoline;
- Waste oil storage and containment; and
- Primary vehicle maintenance and storage shop including chemical/petroleum fluid storage, floor drains connected to an onsite OWS.

iii. **Post-construction Pond BMP:** South Salt Lake City, UT (40.6995°, -111.9037°)
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team A observed a stormwater detention basin located at the intersection of 3300 S. and Interstate 15 in Salt Lake City, UT (refer to [Appendix B, Photographs 85-88](#)). Though it did not rain during the field site visit, the detention basin appeared to receive stormwater flow from both the interstate and 3300 S. UDOT representatives stated that excess stormwater from the detention basin would flow into and through a pump house and into Mill Creek. According to UDOT representatives, the detention basin was last maintained in June 2022 and needed vegetation removal around the headwall, trash removal, and inlet cleaning.

iv. **Murray Maintenance Station:** 5823 S. Commerce Dr., Murray, Utah 84107
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team A began the field site visit at the Murray Maintenance Station by conducting an opening conference and stating the purpose of the field site visit. EPA Audit Team A asked the station representative about the station operations, stormwater infrastructure at the station, inspection procedures, and frequency, and any stormwater challenges.

The maintenance station representative led EPA Audit Team A on a mock inspection around the station (refer to [Appendix B, Photographs 89-102](#)). EPA Audit Team A observed the following areas around the station:

- Salt storage shed;
- Vehicle washing area;
- Waste receptacles;
- Aggregate storage (e.g., gravel);
- Waste disposal areas;
- Stormwater retention basin;
- Stormwater conveyance structures;
- Sale brine tanks;

- Waste oil storage and containment; and
- Primary vehicle maintenance and storage shop including chemical/petroleum fluid storage, floor drains connected to an onsite OWS.

v. **I-80 & I-215 Reconstruction Project and site of illicit discharge by Skyline High School**: Various locations in and around Salt Lake City, UT
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team A began field activities at the I-80 & I-215 Reconstruction Project by conducting an opening conference with UDOT representatives and stating the purpose of the inspection at the project office for the construction contractor where the team observed relevant construction site documents including the SWPPP, construction site maps, and CGP inspection records. The UDOT representatives discussed the status of the project, the most recent inspections, and items of note before going into the field. The I-80 & I-215 Reconstruction Project, under contractor Ralph L Wadsworth Construction Co. LLC, involves lane repaving, lane widening, adding a fourth lane to eastbound I-80, and bridge reconstruction. The project is estimated to primarily affect the areas from milepost 124 – 127 in UDOT Region 2.

EPA Audit Team A proceeded to inspect the following active field site locations associated with the construction project in the Salt Lake City area (refer to Appendix B, Photographs 103-122). The areas of focus included UDOT staff inspection procedures, erosion and sediment controls at these locations, BMPs, concrete washout areas, fuel and materials storage, wetland buffers, and surface waterbody protection.

- Bridge over 2300 E. in Salt Lake City;
- Bridge under Interstate 80 in Salt Lake City;
- 2300 Westbound On-Ramp;
- 1700 E. on Interstate 80; and
- Laydown Yards A and B.

On the way to the various I-80 & I-215 Reconstruction Project locations, EPA Audit Team A observed the location of a prior illicit discharge at the I-80 & I-215 Reconstruction Project on July 29, 2021, where construction workers dumped concrete into a manhole which resulted in the discharge to Mill Creek and subsequent fish kill (refer to Appendix B, Photograph 109).

vi. **Private Post-construction BMP #1**: Bluffdale, UT (40.4636°, -111.9359°)
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team A observed a privately-owned/operated detention basin located off Porter Rockwell Boulevard in the City of Bluffdale, UT (refer to Appendix B, Photographs 123-125). According to UDOT representatives, the ownership and maintenance of this basin was transferred from UDOT to the City of Bluffdale in 2019.

Though it did not rain during the field site visit, the detention basin appeared to receive stormwater flow from Porter Rockwell Boulevard.

vii. Private Post-construction BMP #2: Midvale, UT (40.5996°, -111.9029°)
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team A observed a privately-operated detention basin located off Adams Street/Hoover Street in Midvale, UT (refer to Appendix B, Photographs 126-128). The basin is located directly adjacent to Interstate 15. According to UDOT representatives, UDOT owns the basin land and maintains the inflow and outflow pipes, but maintenance of the basin itself is managed by the City.

Though it did not rain during the field site visit, the detention basin appeared to receive stormwater flow from the adjacent Adams Street/Hoover Street and Interstate 15. The basin appeared to be well maintained (e.g., grass cut, no noticeable erosion or vegetation accumulation).

UDOT Region 3

On March 6, 2023, EPA Audit Team B met at UDOT Region 3 Headquarters and held an opening conference with representatives from Region 3 including RSC, district engineers, UDOT Central representative, REs, and area supervisors. At the start of the discussion the EPA representative and EPA contractor presented their inspector credentials and provided a sign-in sheet. The discussion focused on additional details about Region 3's implementation of their Construction, Post-Construction Stormwater Management BMPs, PPGH and IDDE programs as well as logistics for the visits to the field sites. Copies of the inspection sign-in sheets are included in the Exhibit Log in Appendix C, Exhibit 1.

During the opening discussion, UDOT representatives stated that most of the active construction in the region was installing traffic signals; larger roadwork projects were primarily shut down for the winter. The UDOT representative explained their construction site inspection process, including when they inspect, and the forms used by the inspectors. UDOT representatives stated that the post-construction BMPs in Region 3 are primarily roadside basins which receive annual maintenance that includes mowing. IDDE discussions covered an example, as well as types of IDDE that the region most commonly sees. PPGH discussions included an overview of how stormwater related inspections are completed, street sweeping, a description of how Region 3 is divided up by maintenance station, and logistics of visiting the stations.

Field Site Visits

i. Region 3 Headquarters Campus: 658 N 1500 W Orem, Utah 84057
Date of Field Site Visit: 3/6/2023

Summary: EPA Audit Team B began field activities at the Region 3 Headquarters Campus with an opening discussion to introduce themselves and state the purpose of the site visit to the UDOT representatives. At the opening discussion, the UDOT representative provided the site specific SWPPP as well as noted where the sampling jars and sludge judge were stored. The UDOT representative stated the facility provides support for the region painting operations, is the location of the lab that performs materials testing and performs minor vehicle and equipment maintenance. The facility

does not store salt or street sweepings, does not perform vehicle washing, and does not have a vehicle fueling station. Stormwater that enters the inlets onsite flows into the post-construction stormwater management BMP located in the northwest of the site.

EPA Audit Team B then proceeded to walk the site while the UDOT representative walked the team through the inspection process as a mock inspection. While walking the site, the UDOT representative discussed areas they would look at and talked about how items are noted in the Survey123 inspection forms (refer to Appendix B Photographs 129-143). During the site walk, EPA Inspection Team B observed:

- Materials handling lab – outdoor concrete testing location;
- Vehicle storage;
- Retention basin – some standing water present;
- Materials storage;
- Interior of the vehicle maintenance shop;
- Trash receptacles;
- Detention basin, maintained by Utah Division of Facilities Construction and Management (DFCM);
- Used oil storage;
- Oil and water separator; and
- Stormwater conveyance structures.

ii. **Post Construction BMP: Exit 273:** 1600 Northbound Off Ramp

Date of Field Site Visit: 3/6/2023

Summary: EPA Audit Team B accompanied by a UDOT representative visited the post-construction BMP located off exit 273 at the 1600 Northbound Off Ramp. The UDOT representative stated that the detention basin and the adjacent road were recently transferred from Orem City to UDOT. The last maintenance of the site, performed by Orem City/UDOT, was mowing in June 2022 and maintenance crews do not go into the BMP when it is wet. Weed spraying does occur at the site and the UDOT representative stated that the maintenance crew is certified for herbicide application by the Utah Department of Agriculture. Additionally, the UDOT representative noted that UDOT was responsible for the basin, but the City of Orem was responsible for the landscaping around, not in, the BMP.

EPA Audit Team B walked the site and viewed the entirety of the BMP (refer to Appendix B, Photographs 144 and 145).

iii. **Provo Canyon Maintenance Station:** 3721 E. Provo Canyon Rd. Provo Utah, 84604

Date of Field Site Visit: 3/6/2023

Summary: EPA Audit Team B began field activities at the Provo Canyon Maintenance Station with an opening discussion to introduce themselves and state the purpose of the site visit to the UDOT representatives. At the opening discussion, the UDOT representative provided the site specific SWPPP as well as noted where the sampling jars and sludge judge were stored and stated they use Survey123 on their phone to complete

inspections. Stormwater that enters the stormwater inlets onsite discharges to a detention basin, located in the southern portion of the site.

Additionally, UDOT representatives stated the site was on a septic system and the garage drains connect to an OWS. The UDOT representative noted that there are three new employees at the facility and the site is shared with a small fire station. The UDOT representative estimated the retention basin to be at 80 to 90 percent capacity, at the time of inspection, and stated if it reaches 100 percent capacity the water is hauled to the Lehi Station for evaporation.

EPA Audit Team B then proceeded to walk the site while the UDOT representative walked the team through the inspection process. During the site walk the UDOT representative discussed the activities that take place onsite and noting what they look for during the inspection and how the Survey123 form is completed (refer to [Appendix B, Photographs 146-153](#)). During the site walk, EPA Inspection Team B observed:

- Insite of the vehicle maintenance area;
- Used oil storage;
- Salt storage shed, which was receiving a salt delivery during the site visit;
- Wash rack;
- Retention basin;
- Fueling station;
- Brine storage;
- Spreader storage;
- Waste receptacles;
- Detention basin – buried under snow, sampling location site;
- Oil and water separator; and
- Stormwater conveyances structures.

iv. **40 Connector Road Construction Site:** Heber City, 40.488023°, -111.412042°
Date of Field Site Visit: 3/6/2023

Summary: EPA Audit Team B and UDOT representatives introduced themselves to the Contractor ECS who explained the status of the site, UDOT's ECS was not present for the field site visit. The site is five acres in total with grading, curb and gutter, new road, and catch basins. The Contractor ECS stated that work onsite had started on August 1, 2022, and stopped November 11, 2022, due to winter conditions. The Contractor ECS stated grading was completed, and some curb and gutter work was left. Further he provided the SWPPP book including the completed inspections. At the time of the Field Site Visit the last inspection in the SWPPP book date was February 16, 2023.

EPA Audit Team B proceeded to walk the site with the Contractor ECS and noted that most of the incomplete areas of the site were under the snow including the silt fence at the parameter (refer to [Appendix B, Photograph 154-157](#)).

v. **Provo-Orem Maintenance Station:** 1839 W. Business Park Dr, Orem Utah 84058

Date of Field Site Visit: 3/7/2023

Summary: EPA Audit Team B began field activities at the Provo/Orem Maintenance Station with an opening discussion introducing themselves to the UDOT representatives and stating the purpose of the site visit. At the opening discussion, the UDOT representative stated the SWPPP is maintained digitally and talked about the general overview of the site including staffing.

UDOT representatives stated that the indoor floor drains in the maintenance building and snowplow shed go to an OWS that is connected to the sanitary sewer. The station is the location of one of UDOT's wet weather monitoring stations. All facility stormwater that enters the stormwater inlets onsite passes through the wet weather monitoring station.

EPA Audit Team B walked the site with the UDOT representative who went through the inspection process. During the site walk the UDOT representative discussed the activities that take place onsite and noting what he looks for during the inspection, and how Survey123 form is completed including documenting issues observed. (refer to Appendix B, Photographs 158-172). During the site walk, EPA Inspection Team B observed:

- Interior of the vehicle maintenance building;
- Salt storage shed – received a delivery of salt the day prior to the inspection;
- Brine storage;
- Used oil storage;
- Stormwater basin
- Wet weather monitoring station;
- Aggregate storage;
- Oil and water separator;
- Material stockpiles;
- Wash rack;
- Spreader storage;
- Waste receptacles; and
- Stormwater conveyance structures.

vi. **Post Construction BMP- Exit 261:** I-15 Southbound Exit Ramp

Date of Field Site Visit: 3/7/2023

Summary: EPA Audit Team B visited the UDOT post-construction BMP by accessing it from southbound Exit 261. The site is next to I-15, Exit 261 and W 1400 N Springville Utah. UDOT representatives stated the site is a detention basin and collects water from the highway. At the time of the site visit standing water was present in the BMP.

EPA Audit Team B viewed the areas of the site accessible from the exit ramp. The UDOT representatives stated that the last maintenance for the site was mowing in 2022. (refer to Appendix B, Photographs 173-176).

vii. Spanish Fork Maintenance Station: 725 S. Main St, Spanish Fork Utah, 84660
Date of Field Site Visit: 3/7/2023

Summary: EPA Audit Team B began field activities at the Spanish Fork Maintenance Station with an opening discussion, introducing themselves to the UDOT representatives and stated the purpose of the site visit. At the opening discussion, the UDOT representative showed EPA Audit Team B the site SWPPP and discussed staffing. The UDOT representative stated that the indoor floor drains go to an OWS that is connected to the sanitary sewer and the stormwater inlets onsite connect to the Spanish Fork City MS4. Additionally, during the site visit, the UDOT representatives discussed what the station would consider a reportable spill and noted the retention basin was close to full. Once the retention basin reaches capacity, the water would be pumped and sent to another facility and solids in the bottom would be removed and sent to a landfill.

EPA Audit Team B walked the site with the UDOT representative, who went through the inspection process. During the site walk the UDOT representative discussed the activities that take place onsite, noting what is looked at during the inspection and how to complete the Survey123 form including noting issues that would need to be addressed (refer to Appendix B, Photograph 177-184). During the site walk, EPA Inspection Team B observed:

- Interior of the vehicle maintenance building;
- Salt storage shed – received a delivery of salt the day prior to the inspection;
- Brine storage;
- Used oil storage;
- Retention basin;
- Wet weather monitoring station;
- Materials storage;
- Oil and water separator;
- Material stockpiles;
- Wash rack;
- Spreader storage; and
- Waste receptacles.

viii. US-6 and Powerhouse Road Construction Site: Spanish Fork, Utah 40.083237°, - 111.590587°
Date of Field Site Visit: 3/7/2023

Summary: EPA Audit Team B's initial discussion and review of site stormwater documents took place at the Spanish Fork Maintenance Station. UDOT representatives described the site as a road widening project that was complete but waiting for final stabilization. The site is listed in the SWPPP as 12 acres in total with one acre of disturbed area.

Prior to the audit, the construction contractor had filed a NOT, but it was denied as the site had not achieved final permanent stabilization. At the end of 2022, the site was turned over to UDOT Spanish Fork Maintenance Station who were performing monthly inspections. Further the UDOT representative provided the SWPPP book. After reviewing the SWPPP book, EPA Audit Team B followed the UDOT representatives to the site.

At the site, EPA Audit Team B walked the length of the project with the UDOT representatives including the UDOT ECS inspector who stated what they look for and how the information is documented on the inspection form (refer to Appendix B Photographs 185-190).

UDOT Region 4

On March 8, 2023, EPA Audit Team B met at UDOT Region 4 Headquarters for an opening conference with representatives from Region 4 including the RSC, REs, district engineer, Maintenance station representatives, and fleet manager. The opening discussions focused on additional details about Region 4's implementation of the Construction, Post-construction, PPGH and IDDE programs as well as discuss logistics for the visits to the field sites. At the start of the discussion the EPA representative and the EPA contractor presented their inspection credentials and provided a sign-in sheet and discussed the purpose of the Field Site Visits. Copies of the inspection sign-in sheets are included in the Exhibit Log in Appendix C, Exhibit 1.

The UDOT representative stated they believed all the post-construction stormwater management BMPs in Region 4 were detention basins and the primary maintenance performed at the basins is mowing, which is tracked in ATOM, the Department's maintenance tracking system. PPGH discussions included an overview of how stormwater related inspections are completed and documented, street sweeping, and catch basin cleaning. UDOT representatives described how Region 4 is divided up by maintenance station and logistics of visiting the stations for Field Site visits.

The UDOT representatives provided an overview of the IDDE program, enforcement procedures for IDDE and construction, and discussed the I-70 Green Hub Oil Spill. During the construction sites discussion UDOT provided information regarding who performs construction site inspections, enforcement procedures at construction sites, and inspection documentation.

Field Site Visits

- i. **I-70 Green Hub Oil Spill**: Approximately 81.4 Mile Marker
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team B began field activities at Green Hub Oil Spill Site with an opening discussion to introduce themselves and state the purpose of the site visit to the UDOT representatives. At the opening discussion, the UDOT representative provided an overview of their understanding of the crash that resulted in the spill and the response activities until the time of the site visit. The UDOT representatives stated the spill occurred when a truck did not make the turn and crashed into the median. At the time of

the site visit UDOT representatives stated they were visiting the site formally about once a month, but it had been completely covered with snow for much of the winter. The BMPs installed included plastic sheeting, fiber rolls around and above the drop inlet downgradient of the spill, and plastic sheeting and a metal sign over the inlet to the stormwater conveyance flowing under I-70 and under the drop inlet. Both the BMPs (fiber rolls and plastic sheeting) for the drop inlet were damaged and required maintenance.

EPA Audit Team B walked the site with the UDOT representatives and observed the fiber rolls, the drop inlet in the median, the inlet on the westbound side of the highway and the outfall on the eastbound side of the highway (refer to Appendix B, Photographs 191-195).

ii. **Richfield Maintenance Station:** 2385 South Industrial Park Road, Richfield, Utah 84701

Date of Field Site: 3/8/2023

Summary: EPA Audit Team B began field activities at the Richfield Maintenance station with an opening discussion introducing themselves to the UDOT representatives and stated the purpose of the site visit. At the opening discussion, the UDOT representative showed EPA Audit Team B the site SWPPP and noted that the indoor floor drains go to an OWS that is connected to the sanitary sewer. Additionally, the UDOT representative discussed what is considered a reportable spill but noted he could not recall ever having one.

EPA Audit Team B walked the site with the UDOT representative who went through the inspection process and noted that the retention basin is cleaned out yearly and at the time was estimated to be at 60 percent capacity with stormwater. During the site walk the UDOT representative discussed onsite activities, explained what is looked for during the inspection, and how to complete the Survey123 form including noting issues that would need to be addressed (refer to Appendix B, Photograph 196-202). During the site walk, EPA Inspection Team B observed:

- Interior of the vehicle maintenance building;
- Salt storage shed;
- Brine storage;
- Used oil storage;
- Retention basin;
- Materials storage;
- Oil and water separator;
- Material stockpiles;
- Wash rack;
- Spreader storage; and
- Waste receptacles.

iii. **Sevier Maintenance Station:** 55 North Sevier Highway, Sevier, Utah 84766
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team B began field activities at the Sevier Maintenance Station with an opening discussion introducing themselves to the UDOT representatives and stated the purpose of the site visit. At the opening discussion, the UDOT representative showed EPA Audit Team B the electronic SWPPP and discussed activities that occur at the station including and noted vehicle maintenance beyond topping off fluids does not occur at the site. The UDOT representative stated that the site fuel storage is underground. The site is on a hillside with aggregate stockpiles at the highest grade. Additionally, the UDOT representatives noted that design for a site retrofit was completed and showed EPA Audit Team B the plans for the site changes.

EPA Audit Team B walked the site with the UDOT representative who went through the inspection process and completed the Survey123 inspection form (refer to Appendix B, Photographs 203-212). During the walk the UDOT representative explained what they look for during the inspection and how issues are addressed. EPA Inspection Team B observed:

- Interior of the vehicle storage building;
- Salt storage shed;
- Brine storage;
- Used oil storage;
- Wash rack;
- Retention basin;
- Materials storage;
- Material stockpiles;
- Spreader storage;
- Waste receptacles; and
- Fueling station.

iv. **Rest Area Lunt Park South:** Paragonah, Utah 84760
Date of Field Site Visit: 3/8/2023

Summary: EPA Audit Team B met the UDOT representative at the site. The site includes bathrooms, a pet relief area, parking, picnic area, waste receptacles, and maintained lawn areas.

The UDOT representative explained the site is maintained by the maintenance division and a contract cleaning company is out on a nearly daily basis. The UDOT representative also noted that the location is inspected by the RSC or SW specialist once per year, and some of the main items the inspector looks for during the site visit are signs of illegal dumping, including odor.

v. **Old Highway 91 Construction Site:** W Old Highway 91, Ivins, Utah.
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team B's initial discussion and review of site stormwater documents took place outside by the SWPPP storage location near the corner of Old Highway 91 Construction Site and Guy Lane. EPA Audit Team B reviewed the onsite SWPPP including the recent inspections and the site map. The UDOT representatives stated that the Civil Science employee is a contractor hired to be UDOT's ECS for the site and the site had only been active for about four weeks. STG SWPPP was hired by the contractor to perform SWPPP inspections. The first SWPPP inspection was completed on February 11, 2023.

The site was active at the time of the site visit. Construction activity consisted of pit work for the storm drain system. A fueling area, stockpiles, water tower, waste receptacles, a portable toilet, and construction equipment were observed on the site. At the time of the site visit the site was estimated to be about three miles long with only one mile under active construction.

EPA Audit Team B accompanied the UDOT ECS inspector who walked the team through the inspection process and noted items looked for during the inspection and discussed how items are addressed if identified (refer to Appendix B, Photographs 213-221).

vi. **St. George Port of Entry:** I-15 MP 1, Saint George, Utah 84790
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team B began field activities at the St. George Port of Entry with an opening discussion introducing themselves to the site representative and stated the purpose of the site visit. At the opening discussion, the UDOT representative showed EPA Audit Team B the digital site SWPPP and discussed activities that occur at the Port of Entry including truck inspections and truck holding while trucks wait for any identified issues (i.e., such as weight issues, leaking, and general maintenance) to be addressed by the trucking company/truck owner. The UDOT representative stated that trucks that are pulled out of service are stored at the southern side of the site parking lot and as far as he knew there had been no major spills. If there was a truck with a large leak, the UDOT representative stated the truck would go to the Hazmat Containment Area in the south of the site. Minor spills are addressed by the mechanics working on the truck. Minor spills are collected and taken offsite for disposal, not stored onsite.

EPA Audit Team B walked the site with the UDOT representative who went through the inspection process. Additionally, the UDOT representative explained what is looked at during the inspection and how issues are documented and addressed (refer to Appendix B, Photographs 222-224). During the site walk, EPA Inspection Team B observed:

- Truck inspection area;
- Septic tank area;

- Hazmat Containment Area;
- Waste receptacles; and
- Truck holding area.

vii. Purgatory Maintenance Station: 5340 W. 200 S. Hurricane, Utah 84737
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team B began field activities at the Purgatory Maintenance Station with an opening discussion introducing themselves to the UDOT representative and stating the purpose of the site visit. The UDOT representative showed the team the SWPPP and noted that the SWPPP book includes the documents for UDOT's Pintura Maintenance Station as well. The UDOT representative stated that there is no fueling onsite, but the station does perform light vehicle maintenance.

Stormwater that flows into the ditches/channels and inlets onsite goes to a detention basin located on the east side of the property. The detention basin discharges offsite. The UDOT representative noted that there is a natural spring on the site which contributes to flow in the station stormwater system. The UDOT representative also noted that the floor drains in the maintenance building discharge to the onsite OWS that is connected to the sanitary sewer.

EPA Audit Team B walked the site with the UDOT representative who went through the inspection process and discussed the site features and explained how the information, including an issues, are logged into the Survey123 inspection form (refer to Appendix B, Photograph 225-237). During the site walk, EPA Inspection Team B observed:

- Retention basin;
- Detention basin;
- Stormwater conveyance structure;
- Salt storage shed;
- Wash rack;
- Oil and water separator;
- Vehicle storage;
- Material storage;
- Decant location;
- Waste receptacles;
- Outfall for the property; and
- Spreader storage.

viii. Pintura Maintenance Station: 4000 North Main St. Pintura, Utah 84774
Date of Field Site Visit: 3/9/2023

Summary: EPA Audit Team B met with the same UDOT representatives that were at the Purgatory Maintenance Station. As stated previously, the SWPPP was maintained at

Purgatory Maintenance Station and had been reviewed prior to arriving onsite. The station representative stated the site had recently gone through some upgrades including the addition of a retention basin that was double-lined and had leak protection, a new salt storage shed, and asphalt surfacing in response to a complaint regarding salt on the adjacent property. Additionally, UDOT constructed a new fence and catch basins for stormwater infiltration.

EPA Audit Team B walked the site with the UDOT representative who went through the inspection process and discussed the site features (refer to [Appendix B, Photograph 238-241](#)). The UDOT representative noted inspection are documented in the same way as described at the Purgatory Maintenance Station.

During the site walk, EPA Inspection Team B observed:

- Salt storage shed;
- Retention basin; and
- Stormwater infiltration inlets.

V. FINDINGS

The following sections of this report describe UDOT's approach to implementing minimum control measures, the relevant Permit requirements, other relevant permit requirements, and findings made during the audit process. As stated earlier, the findings do not constitute a formal compliance determination or notice of violation.

1. **Finding #1:** Due to the extent of the findings and deficiencies included below, it appears UDOT lacks sufficient resources necessary to meet all requirements of the Permit.

Permit Requirements:

Part 4.1.7.1 of the Permit states, "The Permittee must secure the resources necessary to meet all requirements of this Permit. The Permittee shall conduct an annual analysis of the capital and operation and maintenance expenditures needed, allocated, and spent as well as the necessary staff resources needed and allocated to meet the requirements of this Permit, including any development, implementation, and enforcement activities required. The Permittee shall submit a summary of its fiscal analysis with each annual report."

Corrective Actions/Recommendations:

1. Ensure sufficient resources are secured in order to meet all requirements of the Permit.
2. Submit a narrative describing how UDOT will secure sufficient resources to maintain compliance with the Permit and address the findings in this report.

MINIMUM CONTROL MEASURE 3: Illicit Discharge Detection and Elimination (IDDE)

2. **Finding Group #2:** UDOT's regulatory mechanism has not effectively prohibited illicit discharges into the MS4. Specifically, UDOT has not implemented enforcement procedures and actions consistent with Permit requirements and UDOT's SWMP and IDDE Plan in response to spills and illicit discharges, including clean-up orders, cost recovery, and assessment of punitive penalties.

Finding 2.A: During the remote portion of the audit, UDOT representatives described an illicit discharge in Region 4 identified as the "Green Hub Oil Spill." UDOT representatives stated that spill occurred when a truck had an accident and spilled hub oil into the median of I-70. The spill occurred near an MS4 drop-inlet. The MS4 in this location discharges near Meadow Creek. UDOT representatives indicated some oil entered the storm sewer and flowed through the nearest outfall. On March 16, 2023, the spill had not been resolved.

UDOT provided a document outlining the spill timeline. Please refer to (Appendix C, Exhibit 4) for the full timeline of events. A high-level accounting of the timeline and actions is presented below:

- 11/15/2021 – There was an accident on Interstate 70 westbound near mile marker 81 where approximately 3,000 gallons of green hub oil spilled onto the dirt median where drop inlet connects to an MS4 conveyance that discharges to Meadow Creek.
- 11/22/2021 – UDOT Salina Station and the Region 4 RSC were notified of the spill.
- 11/23/2021 – UDOT begins working with UDEQ to obtain the accident report.
- 12/7/2021 – Temporary BMPs installed at the spill site by UDOT Salina Maintenance Station staff.
- 12/8/2021 – UDOT receives the accident report and additional BMPs were implemented to prevent snow from entering the drop inlet and median pipe culvert inlet.
- 6/6/2022 – The UDOT Region 4 RSC contacted the truck owner and towing company by phone and told them that UDOT required the spill to be cleaned up.
- 6/27/2022 - The UDOT Region 4 RSC reached out to the truck owner and received no answer. UDOT then followed up with UDEQ.
- 7/18/2022 – UDOT RSC contacted Clean Harbors, a spill response contractor, to request a cleanup quote. Note UDOT provided a Letter of Violation to EPA Audit Team that is dated July 20, 2022 (refer to Appendix C, Exhibit 5).
- 8/30/2022 – The Letter of Violation sent certified overnight mail to JNR Trucking. UDOT provided a copy of this letter which included the same information as the one provided to EPA Audit Team dated July 20, 2022.
- 11/18/2022 – Oil spill contractor Clean Harbors provided cost estimate for cleanup.
- 12/6/2022 – UDOT held a discussion with Clean Harbors regarding the quote.
- 1/19/2023 – Clean Harbors provided an updated quote to UDOT.

- 2/8/2023 – UDOT Region 4 administrators contact the trucking company’s insurance company to inform them they needed to clean up the spill or UDOT would be cleaning it up and they would be responsible for reimbursement. Response was required by 3/9/2022.
- 3/9/2022 – No response was received from the insurance company.

The timeline highlights UDOT’s response to the spill which was not consistent with their IDDE Plan and IDDE Permit requirements of enforcing legal authority regarding the illicit discharge, ceasing/removing the discharge within 10 days, and holding the responsible party accountable via legal action. Specifically, the timeline provided demonstrates:

- At the time of the audit, 16 months had passed since the spill occurred, and it had still not been remediated.
- UDOT was not notified of the spill until seven days after the spill.
- UDOT did not deploy temporary BMPs to prevent oil from migrating into surface waters until at least twenty-one days after the spill.
- UDOT did not contact the responsible party until 6/6/22 (203 days after spill) to inform them UDOT would require clean-up.
 - UDOT did not adhere to the enforcement measures outlined in their IDDE Plan.
- As of March 2023, 16 months after the initial spill, the site had not been cleaned up, UDOT had not sent formal enforcement action requiring cleanup or assessing penalties, and UDOT had not mobilized their own resources to clean up spill.

The Green Hub Oil Spill location was discussed during the Region 4 opening conference and the site was visited later that day. During the opening conference, UDOT representatives stated that they were told they were not originally notified because the Utah Highway Patrol (UHP) responders were informed by the responsible party that the spill was “food grade” oil (presumably, UHP thought a food-grade oil spill would not be of concern to UDOT, which is not accurate). UDOT representatives indicated they later learned the spill was not food grade oil. UDOT representatives also confirmed they had contacted the trucking company a “couple months ago” and contacted legal staff for next steps, but no remediation action had occurred beyond the installation of temporary BMPs as of the time of the audit.

The UDOT representatives also noted that they visit the Green Hub Oil Spill site about once a month to perform a visual inspection of the BMPs installed in December of 2021. While onsite, EPA Audit Team B observed the BMPs around the drop inlet in the median needed repair as the fiber rolls (straw wattles) were no longer staked and the plastic sheeting originally placed over the drop inlet was no longer in place (refer to [Appendix B, Photograph 192 and 193](#)).

Finding 2.B: In addition to the Green Hub Oil Spill, UDOT representatives provided the EPA Audit Team with a list of unresolved illicit discharges (refer to [Appendix C, Exhibit 6](#)). The list comprises twelve unresolved spills with reported dates ranging from October

23, 2022, to February 28, 2023. The list includes the region, incident number, date reported, substance/amount spilled, environmental impact, addresses and notes. In the “Notes” column, UDOT provides information on remediation, who is leading the IDDE investigations, and status of the discharges. However, the spreadsheet does not provide specific status dates or up to date information on remediation for each discharge. Further, the spreadsheet does not provide information as to why remediation efforts had not been completed for all discharges.

The list of unresolved spills did not include the Green Hub Oil spill. In response to the initial records request UDOT provided IDDE records from 2020 through the date of the audit. The narrative provided with the records states they are generated from Survey123 IDDE Investigation Log entries. The 2021 – 2022 record (refer to [Appendix C, Exhibit 7](#)) includes an entry for the Green Hub Oil Spill. The entry includes photos, the timeline provided to the EPA Audit Team, and the traffic report. Note dates included in the Survey123 entry are different than the ones provided in the timeline of events attached to the entry. Specifically, the Survey123 entry states that the date of removal, repair or enforcement action and date of removal verification was November 22, 2021, however, as stated above UDOT was still working with the responsible party to address the spill.

Finding 2.C: One of the spills on the list provided by UDOT occurred on December 2, 2022, and had yet to be remediated as of March 10, 2023. According to the incident report provided by UDOT, a semitruck got into an accident on Interstate 84 and spilled approximately 100 gallons of diesel fuel into the median (refer to [Appendix C, Exhibit 8](#)). The timeline of the spill is as follows:

- 12/2/2022 – Weber – Morgan Health Department discovers the spill.
- 12/5/2022 – UDEQ is notified of the spill.
- 12/6/2022 – UDOT Region 1 RSC emailed the identified claims adjuster for the spill.
- 12/6/2022 – Email from Cura Emergency Services, a contractor, that a team from Enviro Care Inc. (oil spill contractor) will send out a team that day.
- 12/7/2022 – UDOT receives confirmation from the Weber-Morgan Health Department that an adjacent stream had been impacted by the spill.
- 3/9/2023 – Email from Enviro Care Inc. to UDOT, Weber – Morgan Health Department, and Cura Emergency Services that remediation efforts scheduled to start 3/13/202.
- 3/10/2023 – Confirmation from the Weber-Morgan Health Department to Enviro Care Inc. that no remediation efforts had taken place to date.

As with the Green Hub Oil Spill example above, the timeline for the I-84 spill demonstrates UDOT did not utilize its legal authority to enforce in response to the illicit discharge to cease/remediate the spill and hold the responsible party accountable.

Permit Requirements:

Part 4.2.3.2 of the Permit states, “Effectively prohibit, through a regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal

dumping and sanitary sewer overflows (“SSOs”) into the storm sewer system. The IDDE program must require removal of such discharges consistent with Part 4.2.3.6. of this Permit and implement appropriate enforcement procedures and actions. The Permittee shall have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary for the severity of violation and/or the failure of the violator to address the violation(s). Discharges pursuant to a separate UPDES Permit (other than the UPDES Permit for discharges from the MS4) and non-storm water discharges listed in Part 1.2.2.2. are exempt.”

Part 4.2.3.2.1 of the Permit states, “The IDDE program shall have adequate legal authority to detect, investigate, eliminate and enforce against non-storm water discharges, including illegal dumping, into the MS4. Adequate legal authority shall consist of an effective regulatory mechanism for the Permittee to implement actions needed to meet the requirements of the IDDE minimum control measure. The documented IDDE program that is included in the Permittee’s SWMP shall include a reference or citation of the authority the Permittee will use to implement all aspects of the IDDE program.”

Part 4.2.3.6 of the Permit states, “Implement standard operating procedures (SOPs) or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated. Illicit discharges to the MS4 are prohibited and any such discharges violate this Permit and remain in violation until they are eliminated.”

Consent Decree Requirements:

Paragraph 45 of the Consent Decree states, “Within 30 Days after receipt of final EPA acknowledgement and comments on the enforcement response guide, in accordance with Paragraph 49, Defendant shall post the enforcement response guide on its website and shall implement the enforcement response guide program-wide.”

Other Regulatory Requirements:

Part 5.4.2.1 of the UDOT SWMP – Spill and Dumping Response Enforcement Procedures states, “In the event that UDOT is the lead on illicit discharge response and enforcement, for all incidents where the responsible party is known, that party (or their insurance) will cover all costs associated with proper cleanup and removal of the substance(s). Any spilled or discharged substance into UDOT’s right-of-way falls under Utah Transportation Code 72-7-104. This legislation outlines the procedures for requiring that third parties remove any unauthorized object in the right-of-way.”

Utah Transportation Code 72-7-104 states,

- (1) “If any person, firm, or corporation installs, places, constructs, alters, repairs, or maintains any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, outdoor advertising sign, or any other structure or object of any kind or

- character within the right-of-way of any highway without complying with this title, the highway authority having jurisdiction over the right-of-way may:
- (a) remove the installation from the right-of-way or require the person, firm, or corporation to remove the installation; or
 - (b) give written notice to the person, firm, or corporation to remove the installation from the right-of-way.
- (2) Notice under Subsection (1)(b) may be served by:
- (a) personal service; or
 - (b) (i) mailing the notice to the person, firm, or corporation by certified mail; and
(ii) posting a copy on the installation for 10 days.
- (3) If the installation is not removed within 10 days after the notice is complete, the highway authority may remove the installation at the expense of the person, firm, or corporation.
- (4) A highway authority may recover:
- (a) the costs and expenses incurred in removing the installation, serving notice, and the costs of a lawsuit if any; and
 - (b) \$10 for each day the installation remained within the right-of-way after notice was complete.”

UDOT IDDE Plan Part 5.3 – Enforcement of IC/IDs states, “All IC/IDs will be eliminated as expeditiously as possible. Progressive enforcement for removal of IC/IDs may include the following actions:

Written Notice – A Notice of Violation letter (Appendix CD) will be sent to the property owner where an IC/ID is discovered or to the individual responsible, if known.

Agency Action – If the connection is not removed within 10 days, a Notice of Agency Action (Appendix D) and a copy of the Notice of Violation will be sent to the Office of the Attorney General in order to request assistance in the removal of the discharge/connection.

Removal of Illegal Connection If the connection is not removed within 10 days after the Notice of Violation is issued to the responsible party, UDOT may remove the installation at the owner’s expense.

Legal Action – UDOT may pursue legal action, where applicable, to ensure corrective actions are taken to resolve an IC/ID and to recover appropriate costs.”

Part 3.2.1 – Spill and Dumping Response Enforcement Procedures of UDOT’s *Illicit Discharges and Illegal Connections in UDOT’s ROW* document states “In the event that UDOT is lead on illicit discharge response and enforcement, for all incidents where the responsible party is known, that party (or their insurance) will cover all costs associated with proper cleanup and removal of the substance(s). Any spilled or discharged substance into UDOT’s ROW falls under Utah Transportation Code 72-7-104. This legislation outlines the procedures for requiring that third parties remove any unauthorized object in the right of way.”

Corrective Actions/Recommendations:

1. Properly implement the IDDE program, and ensure an effective regulatory mechanism is in place to meet the requirements of the IDDE minimum control measure. Provide a narrative description to EPA Region 8 on how UDOT will implement their IDDE program moving forward.
 2. Update the SWMP and IDDE Plan to include clear time-control goals for responses to spills/illicit discharges and clear escalating enforcement action trajectory for responses to spills/illicit discharges, including cost recovery and assessment of damages. Provide the EPA the updated SWMP and IDDE Plan.
 3. Ensure UDOT's SWMP and IDDE Plan are implemented properly to ensure follow-up and enforcement actions are taken in a timely manner. Provide a narrative description to EPA Region 8 on how UDOT plans to ensure this.
 4. Ensure temporary BMPs are installed promptly and maintained as long as needed in response to spills and illicit discharges.
 - Note, after the audit on April 28, 2023, UDOT provided documentation, including photographs, which show the BMPs at the Green Hub Oil Spill site had been reinstalled (refer to Appendix C, Exhibit 4).
 5. Provide EPA Region 8 with updates on any and all enforcement actions associated with the Green Hub Oil Spill Site.
3. **Finding #3:** On March 8, 2023, EPA Audit Team A observed a sheen flowing into the storm sewer drain downgradient of the vehicle wash rack at the Murray Maintenance Station (refer to Appendix B, Photographs 100-102).

At the time of the field site visit, maintenance station representatives confirmed that while most of the wash water goes into the onsite stormwater retention basin, due to the grade of the pavement, some wash water from UDOT trucks flows into the downgradient storm drain (refer to Appendix B, Photograph 99-102). There was no observed BMP or protection at the drain.

Part 2.6 of the Murray Maintenance Station Stormwater Pollution Prevention Plan (SWPPP) states, "The wash rack is located adjacent to the retention basin. All wash water flows directly to the basin." However, this was not the case as observed during the field site visit.

Permit Requirements:

Part 4.2.3.2 of the Permit requires the Permittee to, "Effectively prohibit, through a regulatory mechanism, non-storm water discharges to the MS4, including spills, illicit connections, illegal dumping and sanitary sewer overflows ("SSOs") into the storm sewer system. The IDDE program must require removal of such discharges consistent with Part 4.2.3.6. of this Permit and implement appropriate enforcement procedures and actions. The Permittee shall have a variety of enforcement options in order to apply and escalate enforcement procedures as necessary for the severity of violation and/or the failure of the violator to address the violation(s). Discharges pursuant to a separate UPDES Permit

(other than the UPDES Permit for discharges from the MS4) and non-storm water discharges listed in Part 1.2.2.2. are exempt.”

Part 4.2.3.6 of the Permit states, “Implement standard operating procedures (SOPs) or similar type of documents for ceasing the illicit discharge, including notification of appropriate authorities; notification of the property owner; technical assistance for removing the source of the discharge or otherwise eliminating the discharge; follow-up inspections; and escalating enforcement and legal actions if the discharge is not eliminated. Illicit discharges to the MS4 are prohibited and any such discharges violate this Permit and remain in violation until they are eliminated.”

Consent Decree Requirements:

Paragraph 38.C of the Consent Decree states, “Defendant's report shall also describe a plan for the following long-term maintenance items... A plan that requires adequate BMPs for preventing contaminated runoff from leaving maintenance facilities and that requires adequate BMPs to be implemented and maintained on a consistent basis.”

Other Requirements:

Table 8-1: Facility Minimum Pollution Prevention Procedures of the UDOT SWMP outlines facility categories that SOPs were developed including, “Preventing vehicle and equipment wash water from discharging to the MS4 or Waters of the State”.

Corrective Actions/Recommendations:

1. Ensure non-storm water discharges to the MS4 are effectively prohibited and implement SOPs to cease illicit discharges.
 - On March 27, 2023, after the audit, UDOT representatives provided EPA Audit Team A with documentation stating that vehicle washing had ceased at the Murray Maintenance Station (refer to [Appendix C, Exhibit 9](#)).

MINIMUM CONTROL MEASURE 4: Construction Site Storm Water Runoff Control

4. **Finding #4:** EPA Audit Team A observed discharges of sediment to surface waters at the West Davis Corridor construction project.

Specifically, EPA Audit Team A observed sediment laden stormwater discharges from the West Davis Corridor construction project entering Farmington Creek, Shepard Creek, Baer Creek, and Holmes Creek (refer to [Appendix B, Photographs 1-18](#)).

The discharges were caused by the undercutting and bypassing of erosion and sediment controls (e.g., wattles). Additionally, some of the controls were observed to be laden with sediment and were not functioning properly.

Further, EPA Audit Team A observed a channel near the construction activity close to Baer Creek that, according to UDOT representatives, was intentionally dug by contractor personnel to alleviate stormwater ponding at a nearby area. The channel was actively discharging sediment laden water from the West Davis Corridor construction project into Baer Creek during the site visit (refer to Appendix B, Photographs 13 and 14).

Permit Requirements:

Part 1.1 - Authority to Discharge of the Permit states, “This Permit authorizes the discharge, to Waters of the State of Utah, of storm water from all existing outfalls of the drainage system operated by the Utah Department of Transportation (UDOT) Statewide. The discharge of storm water from new drainage system outfalls operated by UDOT is authorized only if installation and operation are in accordance with the requirements of this Permit. This authorization is subject to all of the terms and conditions of this Permit. This Permit does not authorize discharges prohibited under Part 1.4. of this Permit.”

Part 1.4.5 of the Permit does not authorize, “Discharges that would cause or contribute to in-stream exceedances of water quality standards as contained in *UAC R317-2*.”

Part 4.2.4.1 of the Permit states, “Revise (as necessary) and enforce contract provisions or other regulatory mechanisms that require the use of erosion and sediment control practices at construction sites. The regulatory mechanisms shall, at a minimum, be equivalent to the technical requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at: <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>. The regulatory mechanism shall include sanctions to ensure compliance. The regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and sites that qualify for UDOT’s MS4 Compliance Plan.”

Part 4.2.4.1.1 of the Permit States, “The regulatory mechanism shall, at a minimum, require construction operators to prepare a Storm Water Pollution Prevention Plan (SWPPP) and apply sediment and erosion control BMPs as necessary to protect water quality, reduce the discharge of pollutants, and control waste. This includes, but not limited to, discarded building materials, concrete truck washout, chemicals, litter and sanitary waste at the construction site that may cause adverse impacts to water quality. The SWPPP requirements must be, at a minimum, equivalent with the SWPPP requirement set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at: <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>.”

Part 4.2.4 of the Permit states, “The Permittee shall revise (as necessary), implement, and enforce a Statewide program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre. UDOT will utilize their MS4 Compliance Plan to address sites that are less than an acre which have the potential to discharge pollutants but are not associated with maintenance activities. Public and private projects, including projects proposed by the Permittee’s own departments and agencies, shall comply with these requirements.”

Consent Decree Requirements:

Paragraph 19 of the Consent Decree states, “Within 30 Days from the Effective Date, Defendant shall submit the revised construction site storm water runoff control program to EPA for review in accordance with the procedures specified in Paragraph 49.”

Other Requirements:

Section 6.4.2 – The MS4 Compliance Plan and Projects with Less than an Acre of Disturbance of the SWMP states, “Any project that disturbs less than one acre of ground is required to complete a MS4 Compliance Plan as outlined in the UDOT Standard Specifications Section 01355. The MS4 Compliance Plan is a template which identifies all potential pollutant sources on the project site and describes what BMP measures will be installed by the contractor to prevent illegal discharges from occurring” (refer to Appendix C, Exhibit 3).

Part 6.2 of the Utah Pollutant Discharge Elimination System General Permit for Storm Water Discharges from Construction Activities (CGP) states, “You are not required to provide formal training for subcontractors or other outside service providers, but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform. You should document that you have explained or have given subcontractors information about how to perform their work in compliance with the SWPPP.”

Utah Admin. Code R317-2-7.2 Narrative Standards states, “It shall be unlawful, and a violation of these rules, for any person to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures; or determined by biological assessments in Subsection R317-2-7.3.”

Corrective Actions/Recommendations:

1. Ensure the Construction Site Storm Water Runoff Control program is properly implemented, and pollutants in any stormwater runoff to the MS4 from construction sites are reduced. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.
2. Ensure construction site operators apply sediment and erosion control BMPs as necessary to protect water quality.
 - On March 27, 2023, after the audit, UDOT provided the EPA Audit Team with documentation regarding the West Davis Corridor construction project, affirming that erosion and sediment controls had been replaced

and a rock check dam had been installed to help mitigate sediment discharges into the creeks (refer to [Appendix C, Exhibit 10](#)).

- Additionally, on April 28, 2023, after the audit, UDOT representatives provided documentation of observations made during a field site visit to the West Davis Corridor construction project. The documentation affirms observations made by EPA Audit Team A and correlating corrective actions issued (refer to [Appendix C, Exhibit 11](#)).

5. **Finding #5:** At the time of the audit, UDOT was not documenting and tracking all construction site program enforcement or implementing escalating enforcement for repeat non-compliance. The enforcement procedures did not include specific time-control goals for all violation response in the SWPPP Compliance Inspection Sheets and for documenting and tracking all construction stormwater enforcement actions.

UDOT's *Enforcement Procedures SOP* prescribes verbal warnings as an enforcement tool "used to highlight deficiencies and notify contractors that escalating enforcement actions will be utilized if action is not taken to resolve the violation before the required deadline" (refer to [Appendix C, Exhibit 12](#)). However, the EPA Audit Team observed that these enforcement actions were often not included in the inspection document corrective actions sections.

For example, during the field portion of the audit, UDOT representatives discussed a documented illicit discharge into Mill Creek (occurring 7/29/21) at one of the I-80 & I-215 Reconstruction Project locations in Region 2. However, UDOT representatives stated that no official letter or warning had been issued to the contractor immediately following the discharge.

Lack of documentation limited UDOT's ability to track the duration of violations after verbal warnings were issued as well as implement additional required enforcement actions, such as time-control goals for violation responses and enforcement escalation measures based on repeat non-compliance or violation duration.

UDOT's Enforcement Procedures SOP, *Identifying Corrective Actions and Setting Corrective Action Timeframes* section, states,

- "A determination should be made as to the severity of the situation, the corrective action required, and the allowed timeframe in which corrective action(s) should be completed. This timeframe should be determined by the UDOT RE or ECS, agreed to, and documented on the inspection form during the SWPPP inspection.
- The timeframe to complete corrective actions should be determined by the severity of the condition as outlined in the CGP."

However, EPA Audit Team A did not observe corrective action documentation consistently on inspection forms. Instead, during the audit, UDOT representatives indicated that the need for corrective actions was often identified and discussed during the inspection, but not always documented on the forms.

The US-6 and Powerhouse construction site SWPPP Compliance Inspection form dated 3/23/2022 includes a corrective action that states “sweeping edge of sawcut for housekeeping” but does not include a corrective action requirement or timeframe to address (refer to Appendix C, Exhibit 13).

Additionally, the SWPPP Compliance Inspection forms provided by UDOT for US-6 and Powerhouse Road inspections occurring on 3/17/2022, 3/23/2022, 4/26/2022 indicate that the SWPPP had not been updated to reflect the current site condition; however, the forms do not provide a date to correct the issue or note it in the corrective actions section. During the site visit on 3/7/2023, the EPA Audit Team noted that the SWPPP had not been updated to reflect the new estimated completion date (refer to Appendix B, Photograph 185).

Permit Requirements:

Part 4.2.4.1 of the Permit states, “Revise (as necessary) and enforce contract provisions or other regulatory mechanisms that require the use of erosion and sediment control practices at construction sites.”

Permit Part 4.2.4.2 of the Permit states, “Develop a written enforcement strategy and implement the enforcement provisions of the regulatory mechanism.

The enforcement strategy shall include:

4.2.4.2.1 Standard operating procedures (SOPs) or similar types of documents that include specific processes and sanctions to minimize the occurrence of violations and obtain compliance from violators. The SOP or similar document shall include appropriate, escalating enforcement procedures and actions, including an appeals process that is published in a publicly accessible location.

4.2.4.2.2 Documentation and tracking of all enforcement actions.”

Consent Decree Requirements:

Paragraph 41 of the Consent Decree (Enforcement Response Guide) states, “Defendant shall develop an enforcement response guide that requires compliance with the requirements of the MS4 Permit and the requirements of UDOT's MS4 Program. The enforcement response guide shall specify appropriate follow-up actions, including enforcement, to be taken in response to non-compliance with the requirements of the MS4 Permit, agreements with contractors and/or private parties, and the requirements of UDOT's MS4 Program.”

Paragraph 42 of the Consent Decree states, “The enforcement response guide shall (i) outline types of violations that may occur, (ii) describe appropriate responses to different types of violations and time-control goals for those responses, and (iii) include an escalation guide for ongoing or repeat non-compliance.”

Paragraph 43 of the Consent Decree states, “The enforcement response guide shall explicitly address enforcement mechanisms for: (i) illicit discharges identified by Defendant or otherwise brought to Defendant's attention, (ii) construction site violations, and (iii) the control of post-construction runoff with respect to implementing BMPs that minimize water quality impacts.”

Paragraph 45 of the Consent Decree states, “Within 30 Days after receipt of final EPA acknowledgement and comments on the enforcement response guide, in accordance with Paragraph 49, Defendant shall post the enforcement response guide on its website and shall implement the enforcement response guide program-wide.”

Appendix K (SOP for Escalating Enforcement Options at Construction Sites) of the *Construction Site Stormwater Runoff Control Program Consent Decree Submission* states,

- “The RE is responsible for issuing enforcement actions on sites in their jurisdiction.
- Enforcement action must be taken when a Corrective Action for a permit violation or Best Management Practice (BMP) deficiency is not corrected within the allotted time frame set by the RE or UDOT ECS acting on the RE’s behalf.
- Some Corrective Actions for permit violations will require immediate response. If, after a verbal warning, immediate action is not taken by the contractor, enforcement will continue with financial disincentives on a per day basis until compliance is achieved. It is not permissible to issue verbal warnings for:
 - Facilitating, allowing, or failing to abate an active discharge to a surface water or storm drain inlet.
 - Illegal dumping of waste material, especially wash water waste from vehicle or equipment cleaning.
- When issuing enforcement actions
 - Ensure that a corrective action is included to fix the problem or stop the violation from occurring.
 - Give a timeline for any corrective actions to be completed.
 - The severity of the problem should be considered when establishing timelines. Any active discharges or violations of the permit must be corrected immediately.
 - Document the violation in the Enforcement Action log, completely filling it out.
 - It is suggested to take photos of the violation/deficiency in addition to other documentation.
- Any enforcement action issued requires a follow-up inspection to document when the project regains permit compliance.

- Enforcement actions are escalated as necessary until permit compliance is attained.”

Corrective Actions/Recommendations:

1. Ensure that the Construction Site Storm Water Runoff Control enforcement strategy is properly implemented. Provide EPA Region 8 with a narrative on how this will be achieved.
 2. Update UDOT’s SWMP, Enforcement Procedures SOP, and UDOT’s contract Standard Specifications Section 01355 to clarify what qualifies as formal/informal enforcement, available formal/informal enforcement tools, and how and whether verbal warnings will be tracked. Provide EPA Region 8 with the updated SWMP, Enforcement Procedures SOP, and Standards Specifications Section 01355.
 3. All UDOT staff and contractors involved with construction within MS4 areas should receive training on UDOT’s construction site enforcement mechanism, so all parties understand the corrective action timelines and escalation procedures. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.
 4. UDOT should consistently document how repeat and ongoing noncompliance will be identified and how enforcement will be escalated in response to repeat and ongoing noncompliance. It is recommended that the documentation include the number of repeat violations or timeframes of ongoing violations following formal/informal enforcement after which enforcement will be escalated, and how UDOT will track and report enforcement in accordance with annual reporting requirements specified in Part 4.1.7.1 of the Permit.
 - Note, after the audit on April 28, 2023, UDOT provided documentation, which stated the SWPPP for US-6 and Powerhouse Road construction site was updated to reflect current information including timelines.
 5. Consistent nomenclature should be used between the SWMP, Enforcement Procedures SOP, and UDOT’s contract Standard Specifications Section 01355, and Annual Report for clarity.
6. **Finding #6:** At the time of the audit, UDOT inspectors were not completing the UDEQ Director-approved Construction Storm Water Inspection Form (Checklist) as required by the Permit.

Specifically, at the I-80 & I-215 Reconstruction Project, EPA Audit Team A observed inspection forms that were completed on a checklist, dated 2016, that had not been approved by Utah UDEQ for MS4 inspections.

Permit Requirements:

Part 4.2.4.4.1 of the Permit states, “At a minimum, monthly inspections of all new construction sites with a land disturbance of greater than or equal to one acre. These inspections must be conducted by qualified personnel using the Construction Storm

Water Inspection Form (Checklist) found on the Division's website at <https://deq.utah.gov/water-quality/storm-water-permits-updes-permits>."

Part 4.2.4.4.3 of the Permit states, "Inspections by the Permittee of priority construction sites defined in Part 7.0. must be conducted at least every two (2) weeks using a Construction Storm Water Inspection Form (Checklist) approved by the Director."

Corrective Actions/Recommendations:

1. UDOT inspectors should document inspections on the Construction Storm Water Inspection Form (Checklist) approved by the Director. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.
7. **Finding Group #7:** At the time of the audit, UDOT inspectors were not conducting the required independent monthly (or every two weeks, for priority construction sites) stormwater inspections of construction sites or consistently conducting inspections following active construction.

Finding 7.A: The EPA Audit Team observed that UDOT inspectors were attending the general contractors' weekly and post-runoff stormwater inspections (frequency required by UDOT). However, not all UDOT inspectors are leading the inspections themselves or filling out the checklists. During the inspections, the general contractor inspectors lead the inspections and complete the checklists (i.e., not independently conducted by UDOT inspectors). After the inspections, UDOT inspectors signed the completed checklists.

During the opening conference UDOT representatives stated that UDOT ECS staff perform weekly SWPPP compliance inspections alongside the contractor ECS who completes the inspection form, which is then reviewed and signed by the UDOT ECS staff. This described method of completing joint inspections with site representatives was reiterated by the UDOT representatives during the onsite portion of the audit.

The EPA Audit Team observed required information was missing from some contractor-completed inspection forms reviewed and signed by UDOT. Specifically, the UPDES ID for the project was not identified on all the inspection forms for the US-6 and Powerhouse inspections performed from 3/17/2022 to 4/26/2022 (refer to Appendix C, Exhibit 14). Note that once UDOT took over the site, the UPDES ID was included in the inspection forms. Also, the EPA Inspection Team observed information on hardcopy inspection forms for the Old Highway 91 site in Region 4 was not completely transcribed to the electronic inspection records in Masterworks. For example, the digital SWPPP Compliance Inspection for 2/23/2023 does not include all the comments listed in the hardcopy SWPPP Compliance Inspection form that was onsite at the time of the EPA Audit Team B visit (refer to Appendix C, Exhibit 13 and Appendix B, Photograph 221).

Finding 7.B: UDOT has not conducted their NOT inspection for the I-80 structure replacement project. The NOT was filed on January 31, 2022, and by the end of the audit, an NOT inspection was still not completed. According to UDOT representatives, "The NOT for this project was filed in the CDX database on 1/31/22. At this time, the

stormwater coordinator position was vacant in region 2. Stephanie McGinnis joined UDOT as the stormwater coordinator on 3/21/22. During a review of the CDX database she noticed that coverage on this project had expired and reached out to the appropriate project staff on 1/4/23 to get this issue resolved and the NOT approved. The ECS NOT inspection was not performed at the conclusion of the project so they are now waiting until the snow melts/ground is clear.”

Permit Requirements:

Part 4.2.4.4 of the Permit states, ...“If contracted outside of the MS4, an individual or entity who prepares a SWPPP for a construction project may not perform the construction site inspections required of Part 4.2.4.4.1 and 4.2.4.4.3 on behalf of the Permittee.”

Part 4.2.4.4.2 of the Permit states, “The Permittee shall inspect all phases of construction: prior to land disturbance, during active construction, and following active construction. The Permittee must document the procedure for being notified by construction operators/owners of their completion of active construction in its SWMP. Notification is required for verification of the Notice of Termination, including final stabilization and removal of all temporary control measures may be conducted. This procedure must be provided to the construction operator/owner before active construction begins.”

Part 4.2.4.4.3 of the Permit states, “Inspections by the Permittee of priority construction sites defined in Part 7.0 must be conducted at least every two (2) weeks using a Construction Stormwater Inspection Form (Checklist) approved by the Director.”

Consent Decree Requirements:

Paragraph 17 (Construction Site Stormwater Runoff Control) of the Consent Decree states, “Defendant shall revise its construction site stormwater runoff control program to ensure adequate permitting and permit compliance for construction sites. The revised construction site stormwater runoff control program shall include the following:

...

e. A requirement for qualified UDOT staff to join contract operators to conduct, document, and track UDOT oversight inspections at the frequencies required by Part 4.2.4.4.1 and 4.2.4.4.3 of the MS4 Permit and which includes all phases of construction in accordance with Part 4.2.4.4.2 of the MS4 Permit.”

Corrective Actions/Recommendations:

1. UDOT inspectors should lead inspections during all phases of construction at the required frequency and complete and sign their own inspection checklists on the Permit-required form. Provide EPA Region 8 with a narrative on how this will be achieved.
2. Provide EPA Region 8 with a date when the NOT inspection for the I-80 structure replacement project will be completed.

8. **Finding #8:** At the time of the audit, UDOT was not implementing its construction stormwater regulatory mechanism or utilizing enforcement mechanisms to protect water quality.

Finding 8.A: During the West Davis Corridor construction project site visit, UDOT inspectors did not state if enforcement would be taken against the contractor for the observed sediment discharges occurring during the visit. Neither UDOT nor construction contractor inspectors initiated any calls to site operators to report or remediate/eliminate the observed discharges, but rather stated they had three days to resolve the issues.

Finding 8.B: UDOT did not take enforcement in a timely manner, nor did it utilize appropriate enforcement mechanisms for a documented illicit discharge into Mill Creek (occurring 7/29/21) at one of the I-80 & I-215 Reconstruction Project locations in Region 2. During the field portion of the audit, UDOT representatives stated that project contractors discharged concrete into a storm drain, which ultimately led to Mill Creek (refer to [Appendix B, Photograph 109](#)). During the audit, UDOT representatives stated that no official letter or warning had been issued to the contractor immediately following the discharge. UDOT representatives stated that a nonconformance report (NCR), which is solely an internal spreadsheet entry, was not created until 4/14/22 (259 days after the discharge event). An NCR is not listed as an official enforcement measure in UDOT's *Enforcement Procedures SOP* or *SWMP*.

Finding 8.C: According to UDEQ representatives, on April 6, 2023, UDEQ received an incident report from UDOT regarding sediment that had sloughed into Parleys Creek. On April 10, 2023 UDEQ followed up with UDOT personnel to obtain further information including the MS4's incident report. UDOT indicated that, "the hillside proximate to Parleys Creek became saturated and a section sloughed off (approx. 30 feet by 30 feet). The sediment overtook the silt fence and some entered the creek. BMPs were reinstalled to ensure that no additional sediment will enter the creek." BMPs at the time of the incident had been installed per the project's SWPPP and buffer zone calculations, and the MS4 inspections prior to the incident at the subject location did not include any issues. UDEQ had just inspected the site per the UDOT MS4 audit and had not seen any concerns at the incident location. UDEQ followed up with UDOT personnel regarding if any enforcement actions would be taken in regard to this incident. UDOT personnel indicated that they would not be taking enforcement actions as UDOT determined that this discharge was not due to negligence on behalf of the contractor. As of the date of this report, UDOT has not taken enforcement.

Permit Requirements:

Part 4.2.4.1 of the Permit states, "Revise (as necessary) and enforce contract provisions or other regulatory mechanisms that require the use of erosion and sediment control practices at construction sites."

Part 4.2.4.4.4 of the Permit states, "Based on site inspection findings, the Permittee shall take necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance

in accordance with the Permittee's enforcement strategy. These follow-up and enforcement actions shall be tracked and documented."

Consent Decree Requirements:

Paragraph 45 of the Consent Decree states, "Within 30 Days after receipt of final EPA acknowledgement and comments on the enforcement response guide, in accordance with Paragraph 49, Defendant shall post the enforcement response guide on its website and shall implement the enforcement response guide program-wide."

Other Regulatory Requirements:

UDOT Standard Spec 01355 section 1.6 A. cites, "A. Disincentives are assessed against the Contractor in the amount of \$1,000 for each calendar day or portion thereof the project is not in compliance with required permits and regulations.

1. The disincentives assessed increase to \$2,000 per day if the Contractor remains in non-compliance after three days and increase to \$3,000 per day if the Contractor remains in noncompliance after seven days."

Section 6.6.2.1: Enforcement Tools of UDOT's SWMP states, "The enforcement tools available for violations at construction sites are listed below in order of increasing severity:

- Verbal warning - used to highlight deficiencies and notify contractors that escalating enforcement actions will be utilized if action is not taken to resolve the violation before the required deadline.
- Disincentive - a financial penalty levied on the contractor. Issued in response to violations or failure to complete corrective actions in accordance with deadlines. Penalties are specified in Section 1.6 of UDOT's Environmental Specifications (01355).
- Cease and desist order - a tool aimed at a specific activity which is causing, allowing, or facilitating a violation. The order would require the offender to terminate the activity in question. The activity can resume when the operator meets the requirements of the RE's enforcement action and obtains confirmation that activities can resume.
- Stop work order - a tool aimed at the larger site to gain compliance. This tool is to be used in conjunction with other enforcement tools, when previous enforcement actions have failed to bring the site back into compliance, or when a violation is particularly severe."

Part 4C-7 – Drainage Outfalls of the *Contract Language for the I-80 & I-215 Project* states, "A. Do not allow any drainage to discharge from the ROW onto property not owned by the Department except to Waters of the State as allowed by the Department's MS4 Stormwater Discharge Permit No. UTS000003 or allowed by an agreement included in Part 6 (Third-Party Agreements), or allowed by an agreement provided by the Department. All stormwater discharges must comply with Section 4C-8, Stormwater Management Facilities."

Part 5C-8.1 – Waters of the United States, including Wetlands of the *Contract Language for the I-80 & I-215 Project* states, “The Department has identified Mill Creek and Neff’s Creek as Waters of the United States that will be impacted by the Project. Coordinate Stream Alteration Permits (PGP 10) through the Utah Division of Water Rights (DWR) and the U.S. Army Corps of Engineers (USACE). Obtain prior to construction and comply with all conditions of the PGP 10 throughout construction. Do not directly or indirectly impact any other Waters of the United States, including wetlands without prior Approval of the Department.”

Corrective Actions/Recommendations:

1. UDOT should follow the escalating enforcement procedures including the use of disincentives as outlined in UDOT’s program documents.
 - On April 28, 2023, after the audit, UDOT representatives provided updated information on enforcement actions relating to the Mill Creek discharge on 7/29/2021. UDOT representatives stated that a disincentive of \$35,000 had been applied (refer to Appendix C, Exhibit 15). However, UDOT did not specify when the disincentive had been applied.
 - Additionally, on April 28, 2023, after the audit, UDOT representatives provided documentation of observations made during the EPA Audit Team A field site visit to the West Davis Corridor construction project. The documentation affirms observations made during the EPA Audit Team A field site visit and documents corrective actions for the observed sediment discharges (refer to Appendix C, Exhibit 11).
 2. Ensure necessary follow-up actions are taken in response to site inspection findings in accordance with Part 4.2.4.4.4 of the Permit.
 3. Ensure UDOT owned/operated construction sites are in compliance with the CGP requirements.
9. **Finding #9:** At the time of the audit, UDOT construction stormwater inspectors were not fully familiar with the implementation of construction stormwater BMPs or all CGP requirements, despite completing the UDOT ECS certification program.

At the West Davis Corridor construction project in Region 1, though present, the UDOT inspector did not lead the inspection and did not identify any of the potential deficiencies observed by EPA Audit Team A. The construction contractor led the inspection, and identified some of the potential deficiencies, but not all. The construction contractor also stated that for severe deficiencies, they have 3 days to remedy issues. However, Part 5.2.1 of the Utah Pollutant Discharge Elimination System General Permit for Storm Water Discharges from Construction Activities (CGP) states, “When site conditions warrant immediate attention, take all reasonable steps to minimize or prevent the discharge of pollutants until a permanent solution for the problem is installed and made operational.” While onsite, no contractor or UDOT personnel proceeded to make any calls to site operators in response to the observed active discharge of sediment-laden runoff to receiving waters.

While inspecting the I-80 & I-215 reconstruction project, the UDOT inspector was unfamiliar with the site outfall locations and stormwater flow directions at the site. Additionally, the UDOT inspector did not identify several potential deficiencies observed by EPA Audit Team A and did not walk the entirety of the site during the field site visit.

Additionally, during the Region 4 opening conference, several UDOT representatives indicated they were not familiar with UDOT and UDEQ NOT procedures and checklists.

Permit Requirements:

Part 4.2.4.5 of the Permit states, “The Permittee shall ensure that all staff, contracted staff, and other responsible entities, whose primary job duties are related to implementing the construction storm water program, including permitting, plan review, construction site inspections, and enforcement, are annually trained to conduct these activities.”

Corrective Actions/Recommendations:

1. UDOT should ensure construction stormwater inspectors are knowledgeable of relevant Permit and UDOT construction stormwater compliance requirements, how those requirements pertain the sites they are inspecting, identifying all potential deficiencies, and walk the entirety of the sites during inspections.

10. Finding #10: Through state and federal database searches and during discussions throughout the audit, no active construction sites needing coverage under UDEQ’s UPDES Storm Water General Permit for Construction Activities were found in UDOT Region 3.

However, after discussions with UDEQ, it was determined that there was an active construction site (the Provo River Trail project) requiring coverage under the Construction General Permit (CGP). According to UDOT, construction along the Provo River in Region 3 occurred March 7-27, 2023 and the ground disturbance was around 0.8 acres.

On March 27, 2023, UDEQ received a complaint, "that a contractor for UDOT has removed numerous trees and vegetation along the Provo River without any sedimentation control." Eric Castrejon of UDEQ inspected the site on April 18, 2023, and found the disturbance to be greater than one acre and occurring without a permit. The 0.8 acres UDOT had initially accounted for did not take into account for the disturbance created by vegetation removal, which made the total disturbance greater than one acre. The project is being done in phases with the total project disturbing greater than one acre. The inspection report dated May 17, 2023, required the corrective action of obtaining coverage under the CGP within 7 days.

On June 1, 2023, a UDOT resident engineer responded via email disagreeing with the acreage assessment, stating that UDOT would obtain a Notice of Intent (NOI) and

implement a SWPPP during the next phase of the project involving construction of the trail in July 2023.

On July 3, 2023, Jeanne Riley, Kelsee York and Eric Castrejon of UDEQ met with UDOT staff. During this meeting, UDOT stated that projects totaling greater than one acre are often split into phases for contracting purposes and that if the first phase is not anticipated to be greater than one acre of disturbance, a NOI is not obtained, as was the case in the Provo River project.

During the audit, NPDES Electronic Reporting Tool (NeT) searches and discussions with UDOT indicated that there were no active construction projects greater than one acre in Region 3, when in fact the unpermitted Provo River Trail project was active and disturbing greater than one acre.

Permit Requirements:

Part 4.2.4 of the Permit states, “The Permittee shall revise (as necessary), implement, and enforce a Statewide program to reduce pollutants in any storm water runoff to the MS4 from construction sites with a land disturbance of greater than or equal to one acre. UDOT will utilize their MS4 Compliance Plan to address sites that are less than an acre which have the potential to discharge pollutants, but are not associated with maintenance activities. Public and private projects, including projects proposed by the Permittee’s own departments and agencies, shall comply with these requirements.”

Part 4.2.4.1 of the Permit states, “Revise (as necessary) and enforce contract provisions or other regulatory mechanisms that require the use of erosion and sediment control practices at construction sites. The regulatory mechanisms shall, at a minimum, be equivalent to the technical requirements set forth in the most current UPDES Storm Water General Permits for Construction Activities, which can be found at: <https://deq.utah.gov/water-quality/general-construction-storm-water-updes-permits>. The regulatory mechanism shall include sanctions to ensure compliance. The regulatory mechanism shall apply, at a minimum, to construction projects disturbing greater than or equal to one acre and sites that qualify for UDOT’s MS4 Compliance Plan. Existing local requirements to apply storm water controls at sites less than 1 acre or not part of a common plan of development may be retained. As necessary to comply with the terms and conditions of this Permit, the Permittee must establish communication, coordination, cooperation and collaboration activities with local government entities. This Permit does not preempt or supersede the authority of local agencies to prohibit, restrict, or control discharges to storm drain systems or other water courses within their jurisdiction.”

Part 4.2.4.1.2 of the Permit states, “Permittees shall require construction operators to obtain coverage under the current UPDES Storm Water General Permits for Construction Activities for the duration of the project. Coverage can be renewed; or obtained online by completing a NOI or renewal request at: <https://deq.utah.gov/water-quality/updes-reporting#construction>.”

Consent Decree Requirement:

Paragraph 17 of the Consent Decree states, “Defendant shall revise its construction site stormwater runoff control program to ensure adequate permitting and permit compliance for construction sites.”

Corrective Actions/Recommendations:

1. Ensure all active construction sites disturbing one acre or greater obtain coverage under the current UPDES Stormwater General Permit for Construction Activities for the duration of the project.
2. Ensure construction sites that disturb less than an acre and have the potential to discharge pollutants are addressed utilizing UDOT’s MS4 Compliance Plan.
3. Submit a complete list of all active construction sites both less than one acre and greater than or equal to one acre. Identify the name of the construction site, the acreage, UDOT Region and permit number (if applicable) of each active construction from March 1, 2023 to present.
4. Submit a narrative describing how UDOT will ensure construction sites disturbing one acre or greater obtain coverage under the CGP. Submit a narrative describing how UDOT will address construction sites less than one acre that have the potential to discharge pollutants.

MINIMUM CONTROL MEASURE 5: Long-Term Storm Water Management in New Development and Redevelopment (Post-Construction Storm Water Management)

- 11. Finding #11:** At the time of the audit, UDOT was not able to provide maintenance agreements for all long-term BMPs receiving stormwater from UDOT’s MS4. Specifically, not all agreements were able to be provided for cases where BMPs have been transferred to other owners, where the new property owner is responsible for maintenance.

During the audit closing conference, UDOT representatives stated that it was very difficult to find maintenance agreements for every long-term BMP that had been turned over to a private owner.

UDOT provided a document titled *Long-term BMP data (where ownership has been transferred)*. The document lists 27 agreements, but it was unclear if it included all the long-term BMP agreements they had developed. Specifically, the document listed seven (7) agreements for Region 1, 14 for Region 2, four (4) for Region 3, and two (2) for Region 4. The document does not identify the person or entity that will maintain each of the listed BMPs.

Consent Decree Requirements:

Paragraph 26 of the Consent Decree states, “Defendant's revised post-construction stormwater management program shall memorialize agreements for the post-construction

controls owned and/or maintained by private parties specifying (i) the person or entity that owns each control identified in the inventory of post-construction controls, (ii) the person or entity that will maintain each control identified in the inventory; (iii) the required frequency of inspection and maintenance required for each control identified in the inventory, and (iv) a requirement for private parties to submit an annual certification that the inspection and maintenance have been performed, including each date upon which inspection or maintenance was performed.”

Paragraph 27 of the Consent Decree states, “Defendant's revised post-construction stormwater management program shall include a standard operating procedure ("SOP") for post-construction control inspections by Defendant and/or the owner of post-construction control(s) in accordance with Parts 4.2.5.5.2 and 4.2.5.5.3 of the MS4 Permit. The SOP shall be designed to (i) ensure the quality and coverage of post-installation inspections by Defendant, annual inspections by the owner of the control(s), and periodic inspections by Defendant for post-construction controls, (ii) require adequate maintenance of the post-construction control(s), and (iii) require the development of a tracking system for Defendant's completion of required inspections and maintenance by Defendant as well as by private parties.”

Corrective Actions/Recommendations:

1. UDOT should verify that the Department has maintenance agreements for all long-term BMPs receiving stormwater from UDOT’s MS4 which have been transferred to other owners, where the property owner is assuming maintenance. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.
2. If the maintenance agreements exist, UDOT should require the owners of the BMPs submit an annual certification of maintenance.
3. If no such maintenance agreements exist, UDOT should establish one with owners for long-term maintenance of applicable BMPs.

12. Finding #12: At the time of the audit, UDOT was not properly maintaining long-term BMPs owned/operated by UDOT and was not adhering to a regular maintenance schedule.

In 2021, UDOT’s long-term BMPs were inspected by a contractor who identified maintenance needs. At the time of the Audit not all maintenance needs identified during the 2021 inspections were complete. UDOT representatives provided a spreadsheet titled *Maintenance Needs from 2021 Evaluation* which listed the maintenance needs of each long-term BMP inspected.

The document shows Region 1 had four long-term BMPs that had yet to receive maintenance for needs identified in 2021. The notes say that it was either too wet or UDOT could not get equipment into the basin to perform maintenance.

The Region 2 tab notes 24 long-term BMPs with maintenance needs from 2021 that had yet to be addressed and stated in the notes “Work has not been done and will be completed spring of 2023. Other maintenance work took priority.”

Region 3 had 13 long-term BMPs that the document notes as needing maintenance in 2021. The notes on why the maintenance had not occurred included, noting BMPs as low priority BMP, noting they were still functioning, and some did not include explanations.

The document shows that all long-term BMPs maintenance identified was completed in Region 4.

EPA Audit Team A observed vegetation growing around the outlet at the post-construction BMP located off 3300 S. in Salt Lake City (Region 2), and there was trash in the BMP itself (refer to [Appendix B, Photographs 85 and 87](#)). UDOT representatives stated that they had no regular maintenance schedule for the BMP, and maintenance was done on an as-needed basis. UDOT representatives stated multiple times during the audit process the BMP maintenance was mostly conducted on an as-needed basis. UDOT representatives further stated they do not consistently document maintenance activities.

EPA Audit Team B observed sediment buildup and trash around a stormwater conveyance structure identified by UDOT representatives as an inlet in the Exit 261 Long-Term BMP structure in Region 3 (refer to [Appendix B, Photographs 174-176](#)). UPLAN indicates that the southwestern portion of the long-term BMP where the inlet was located has an inlet and energy dissipation structure (refer to [Appendix C, Exhibit 16](#)).

Permit Requirements:

Part 4.2.5.2.3 of the Permit states, “All Permittees shall adopt and implement SOPs or similar types of documents for site inspection and enforcement of post-construction storm water control measures. These procedures must ensure adequate ongoing long-term operation and maintenance of approved storm water control measures”

Consent Decree Requirements:

Paragraph 24 of the Consent Decree states, “Within 90 Days after the Effective Date, Defendant shall revise its post-construction stormwater management program so that it is designed to ensure post-construction controls are properly installed, inspected, and maintained.”

Paragraph 29 of the Consent Decree states, “Within 30 Days after receipt of final EPA acknowledgement and comments on the revised post-construction stormwater management program, in accordance with Paragraph 49, Defendant shall implement the program, post the program on the UDOT website, and distribute the program to all UDOT personnel and contractors involved in implementation of the postconstruction stormwater management program.”

Paragraph 32 of the Consent Decree states, “Defendant shall develop a post-construction control training plan for all pertinent UDOT personnel and contractors. The training plan shall specify how post-construction control training will continue as UDOT operates its MS4.”

Other Requirements:

Part 7.5: BMP Maintenance of UDOT’s SWMP states, “All post-construction BMPs for new development and redevelopment sites must be managed and maintained after construction, whether they are located within or outside of UDOT right-of-way. The UDOT MS4 Permit requires adequate access for performing periodic inspections and maintenance activities. UDOT coordinates with local government entities regarding the management and maintenance of post construction BMPs located outside UDOT right-of-way.

For any inspected feature where an immediate need for maintenance was identified, the RSC in that corresponding region will coordinate needed maintenance. For ease of identification, the LTSW ID for each feature starts with the 4 digits of the maintenance station that is responsible for that feature. When possible, maintenance should be prioritized on those features where maintenance needs prevented proper inspection by field personnel.

The frequency and type of required maintenance is dependent upon the type of BMP installed and the conditions of the area that drains to each BMP. All BMPs will be assessed for maintenance needs on at least and every other year basis as part of the permit inspection requirement. Any BMP found in need of maintenance during an inspection will have the maintenance needs addressed as soon as practicable. Maintenance will be performed by either local UDOT maintenance staff or contracted staff where applicable.”

Corrective Actions/Recommendations:

1. UDOT should establish and follow a regular maintenance schedule for all long-term BMPs owned/operated by the Department.

13. Finding #13: UDOT representatives stated they were not conducting inspections of long-term BMPs receiving stormwater from UDOT’s MS4 which have been transferred to other owners, where the property owner is conducting maintenance. Additionally, UDOT did not provide any SOPs specific to conducting inspections at long-term BMPs.

As part of the audit records request, UDOT representatives submitted language in a narrative in response to the records request that states, “UDOT does not have any private agreements in place on any post-construction BMPs. UDOT’s permit only covers the UDOT right-of-way. There are drainage agreements that exist with other jurisdictions addressing who will own and maintain the feature. A few samples of these agreements have been uploaded to this folder” (refer to Appendix C, Exhibit 17).

The SWMP provided by UDOT cites Permit Part 4.2.5.2.6 that references the biannual (every 2 years) inspection requirement for inspecting UDOT owned and maintained long-term BMPs but does not address UDOT's responsibility to inspect stormwater control measures, where the property owner/operator is conducting maintenance on the long-term BMP, at least once every five years (refer to Appendix C, Exhibit 3).

During the remote audit process, the UDOT representatives stated that when long-term BMPs are turned over to a neighboring agency within their right of way, Section 7 of the drainage agreement requires the entity to perform maintenance. UDOT representatives stated that once turned over, UDOT does not perform inspection on long-term BMPs as maintenance is not their responsibility. Additionally, during the onsite portion of the audit, during the Region 3 opening discussion, UDOT representatives stated long-term BMPs in "urban areas" are turned over to the cities. During the Region 4 opening discussions, UDOT representatives stated that the region has identified 179 long-term BMPs in the region using as-builts and some were turned over to the cities.

Permit Requirements:

Part 4.2.5.2.3 of the Permit states, "All Permittees shall adopt and implement SOPs or similar types of documents for site inspection and enforcement of post-construction storm water control measures. These procedures must ensure adequate ongoing long-term operation and maintenance of approved storm water control measures."

Part 4.2.5.2.4 of the Permit states, "The regulatory mechanism shall include provisions for post-construction access for the Permittee to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed. The ordinance or other regulatory mechanism may, require private property owner/operators or qualified third parties to conduct maintenance and provide annual certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality, in lieu of the Permittee. If the Permittee requires a maintenance agreement addressing maintenance requirements for any control measures installed on site, the agreement must allow the Permittee to conduct oversight inspections of the storm water control measures and also account for transfer of responsibility in leases and/or deeds. The agreement must also allow the Permittee to perform necessary maintenance or corrective actions neglected by the property owner/operator, and bill or recoup costs from the property owner/operator as needed."

Part 4.2.5.2.6 of the Permit states, "...On sites where the property owner/operator is conducting maintenance, the Permittee shall inspect those storm water control measures at least once every five years, or more frequently as determined by the Permittee, to verify and ensure that adequate maintenance is being performed. Following an inspection, if there is an observed failure of a facility to perform as designed, the Permittee must document its findings in an inspection report."

Consent Decree Requirements:

Paragraph 26 of the Consent Decree states, “Defendant's revised post-construction stormwater management program shall memorialize agreements for the post-construction controls owned and/or maintained by private parties specifying (i) the person or entity that owns each control identified in the inventory of post-construction controls, (ii) the person or entity that will maintain each control identified in the inventory; (iii) the required frequency of inspection and maintenance required for each control identified in the inventory, and (iv) a requirement for private parties to submit an annual certification that the inspection and maintenance have been performed, including each date upon which inspection or maintenance was performed.”

Paragraph 27 of the Consent Decree states, “Defendant's revised post-construction stormwater management program shall include a standard operating procedure ("SOP") for post-construction control inspections by Defendant and/or the owner of post-construction control(s) in accordance with Parts 4.2.5.5.2 and 4.2.5.5.3 of the MS4 Permit. The SOP shall be designed to (i) ensure the quality and coverage of post-installation inspections by Defendant, annual inspections by the owner of the control(s), and periodic inspections by Defendant for post-construction controls, (ii) require adequate maintenance of the post-construction control(s), and (iii) require the development of a tracking system for Defendant's completion of required inspections and maintenance by Defendant as well as by private parties.”

Paragraph 29 of the Consent Decree states, “Within 30 Days after receipt of final EPA acknowledgement and comments on the revised post-construction stormwater management program, in accordance with Paragraph 49, Defendant shall implement the program, post the program on the UDOT website, and distribute the program to all UDOT personnel and contractors involved in implementation of the post-construction stormwater management program.”

Corrective Actions/Recommendations:

1. UDOT should develop and implement SOPs to ensure adequate maintenance of long-term BMPs receiving stormwater from UDOT’s MS4, including those that have been transferred to other owners, where the property owner is conducting maintenance, is conducted in accordance with the Permit. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.

14. Finding #14: At the time of the audit, UDOT did not have a complete inventory of long-term BMPs owned/operated by UDOT as well as an inventory of long-term BMPs that had been transferred to non-UDOT entities.

During the Region 4 site visit opening conference, UDOT representatives stated that the Region 4 inventory was still being refined through field verification. Further, it was unclear whether UDOT maintained a complete inventory of all long-term BMPs that had been transferred to private owners or municipalities, encompassing all regions.

During the audit, UDOT was unable to provide the EPA Inspection Team with a comprehensive inventory of long-term BMPs. UDOT provided a document titled *Maintenance Needs from 2021 Evaluation* that outlined BMPs identified during 2021 inspections. However, during the audit, UDOT representatives acknowledged that the list of long-term BMPs in this document may be incomplete. UDOT also provided UPLAN GIS mapping that included long-term BMPs; however, neither the long-term BMP document nor UPLAN included all Permit-required components listed in Part 4.2.5.4.1.

Permit Requirements:

Part 4.2.5.4 of the Permit states, “Inventory. The Permittee must maintain an inventory of all post-construction structural storm water control measures installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre. This inventory must include both public and private sector sites located within the Permittee’s service area that were developed since the Permittee obtained coverage by this permit or the date that post-construction requirements came into effect, whichever is later.

4.2.5.4.1 Each entry to the inventory shall include basic information on each project, such as the project’s name, owner’s name and contact information, location, start/end date, etc. In addition, inventory entries shall include the following for each project:

- Short description of each storm water control measure (type, number, design or performance specifications);
- Short description of maintenance requirements (frequency of required maintenance and inspections); and
- Inspection information (date, findings, follow up activities, prioritization of follow-up activities, compliance status).

4.2.5.4.2 Based on inspections conducted pursuant to Part 4.2.5.2.6., “the Permittee shall update the inventory when changes occur in property ownership or the specific control measures implemented at the site.”

Part 4.2.5.6 of the Permit states, “Inspections and any necessary maintenance must be conducted at least every other year or as necessary to maintain functionality of the control by either the Permittee, or, if applicable, the property owner/operator. On sites where the property owner/operator is conducting maintenance, the Permittee shall inspect those storm water control measures at least once every five years, or more frequently as determined by the Permittee, to verify and ensure that adequate maintenance is being performed. Following an inspection, if there is an observed failure of a facility to perform as designed, the Permittee must document its findings in an inspection report.

The inspection report must include the following:

- Inspection date;
- Name and signature of inspector;
- Project location;
- Current ownership information;

- A description of the condition of the storm water control measure including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and
- Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and reinspection dates.”

Consent Decree Requirements:

Paragraph 25 of the Consent Decree states, “By December 3, 2020, Defendant shall complete its inventory of post-construction controls owned and/or maintained by UDOT or private parties, and develop a process to ensure that the inventory is maintained. UDOT will develop the maintenance process within 90 Days after the Effective Date.”

Corrective Actions/Recommendations:

1. Ensure a complete inventory is maintained for all post-construction structural storm water controls installed and implemented at new development and redeveloped sites that disturb greater than or equal to one acre. Ensure the inventory includes both UDOT and private-party sites. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.
2. Ensure the inventory entries of all post-construction structural storm water controls includes the information required per Part 4.2.5.4.1 of the permit.
3. Ensure the inventory entries are updated based on the inspections per permit part 4.2.5.2.6. when changes have occurred in property ownership or site conditions.

MINIMUM CONTROL MEASURE 6: Pollution Prevention and Good Housekeeping for UDOT Facilities and Operations

- 15. Finding #15:** UDOT was not implementing pollution prevention and good housekeeping measures prescribed in maintenance station SWPPPs.

The EPA Audit Teams made the following observations during field site visits in UDOT Regions 1, 2, 3, and 4 that exemplify the lack of programmatic implementation to prevent or reduce pollutant runoff to the MS4 from UDOT owned or operated facilities.

- At the Perry Port of Entry, UDOT representatives stated a spill occurred on October 21, 2022, and it was not cleaned up immediately by maintenance staff, but rather staff waited for a cleanup company to clean the spill. UDOT representatives did confirm that the spill was cleaned up within 24 hours; however, no effort was made by UDOT staff to prevent the spill from spreading or to initiate immediate cleanup.
- At the Ogden Maintenance Station, the EPA Audit Team A observed the used oil containment area had accumulated about 4-5 inches of a light brown liquid (refer

to [Appendix B, Photograph 36 and 37](#)). Further, at this same facility, EPA Audit Team A observed that the stormwater retention basin was approximately 90% full of water and there was no spill kit next to the fueling station (refer to [Appendix B, Photographs 33 and 34](#)).

- At the Echo Maintenance Station, the EPA Audit Team A observed evidence of a kerosene spill at the covered fuel storage area that had not been cleaned (refer to [Appendix B, Photograph 55](#)).
- At the Salt Lake East Maintenance Station, the EPA Audit Team made the following observations:
 - The used oil secondary containment area was full and actively leaking (refer to [Appendix B, Photograph 69 and 70](#)).
 - A portable oil drain was being stored outside without cover or containment, with observed petroleum staining on the adjacent ground (refer to [Appendix B, Photograph 71 and 72](#)).
 - Many open drums and containers of potential pollutants were stored outside without secondary containment (oily water, paint, acrylic latex) (refer to [Appendix B, Photograph 66, 79, 80, and 81](#)).
 - Several hoses inside the primary vehicle maintenance garage were actively leaking hydraulic fluid (refer to [Appendix B, Photograph 75](#)).
 - The secondary containment inside the primary vehicle maintenance garage was full due to a windshield wiper fluid spill. It had overflowed just prior to the field site visit (refer to [Appendix B, Photograph 74](#)).
 - Several onsite storm drains were inundated with sediment and lacked inlet protection BMPs (refer to [Appendix B, Photographs 64, 76, 77, 78, 82, 83, and 84](#)).
- At the Murray Maintenance Station, the EPA Audit Team A observed a large pile of recycled asphalt being stored outside without cover or containment (refer to [Appendix B, Photograph 91](#)).
- At the Lunt Park South Rest, the EPA Audit Team B observed a dumpster that was missing a drain plug.
- At the Region 3 Headquarters Campus, the EPA Audit Team B observed containers of various substances (parts cleaner by the lab, and paint drums), dumpster were uncovered and had rust holes, and used batteries were stored outside without cover or containment (refer to [Appendix B, Photograph 137-140 and 143](#)).
- At the Provo/Orem Maintenance Station, the EPA Audit Team B observed salt track out located beyond the salt storage shed, water filled approximately two thirds of the salt brine secondary containment, and there were uncontained stockpiles (refer to [Appendix B, Photographs 159, 161, 164 and 166](#)).
- At the Spanish Fork Maintenance Station, the EPA Audit Team B observed a pile of cold patch asphalt that was uncovered and uncontained on an impervious surface, and salt extended beyond the salt storage shed's perimeter (refer to [Appendix B, Photographs 179 and 180](#)).
- At the Sevier Maintenance Station, the EPA Audit Team B observed a 55-gallon drum without secondary containment and was leaking an unknown dark fluid.

Rills were visible originating from uncontained and uncovered stockpiles (refer to Appendix B, Photographs 206-208).

- At the Purgatory Maintenance Station, the EPA Audit Team B observed hydraulic fluid under the spreader. Site representatives stated they had recently disconnected the hydraulic connector cables and the fluid had spilled onto the ground. The EPA Audit Team B observed sediment accumulation in stormwater inlets (refer to Appendix B, Photographs 229 and 232).

Permit Requirements:

Part 4.2.6 of the Permit states, “The Permittee shall implement a program for Permittee-owned or operated facilities, operations, and structural storm water controls that includes standard operating procedures (SOPs) or similar types of documents, and a training component that have the ultimate goal of preventing or reducing runoff or pollutants to the MS4 and waters of the state. All components of the program shall be included in the SWMP document and shall identify the department responsible for performing each activity described in this section.”

Part 4.2.6.4 of the Permit states, “The Permittee shall provide water quality control measures and BMPs at all high-priority sites designed to target the specific pollutants generated onsite, and/or the pollutants associated with the impaired waters. The Permittee shall monitor the control measures and BMPs regularly to verify that the BMPs are functioning. Control measures, BMPs, and monitoring schedules shall be specified in the Permittee’s SWMP.”

Part 4.2.6.5 of the Permit states, “The Permittee shall update the SWMP to include a list of “high priority” facilities according to 4.2.6.3 and prepare a Storm Water Pollution Prevention Plan (SWPPP) for each facility within 180 days from the effective date of this permit. Each “high priority” facility shall implement a SWPPP outlining measures to prevent pollutants from entering the storm drain system from each of these facilities and contain an inspection schedule of the facility.”

Part 4.2.6.9. of the Permit states, “The Permittee shall require that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training. The annual training shall address the importance of protecting water quality, the requirements of this Permit, O&M requirements, inspection procedures, ways prevent or minimize impacts to water quality by how they perform their job activities SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as, procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and contain, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall document and maintain records of the training provided and the staff in attendance. The Permittees must ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.”

Consent Decree Requirements:

Paragraph 38.C of the Consent Decree states, “Defendant's report shall also describe a plan for the following long-term maintenance items... A plan that requires adequate BMPs for preventing contaminated runoff from leaving maintenance facilities and that requires adequate BMPs to be implemented and maintained on a consistent basis.”

Paragraph 39 of the Consent Decree states, “Defendant's report and plan, described in Paragraphs 37 and 38, shall be subject to the deliverables procedures specified in Paragraph 49. Within 30 Days after receipt of final EPA acknowledgement and comments on the report and plan described in Paragraphs 37 and 38, Defendant shall implement the plans, post the report and plans on the UDOT website, and distribute the plans to all pertinent UDOT personnel and contractors.”

Corrective Actions/Recommendations:

1. Ensure pollution prevention and good housekeeping controls are implemented as outlined in each maintenance station SWPPP and the Program SWMP.
2. Ensure all employees, contracted staff, and other responsible entities are trained appropriately. Ensure the training addresses the importance of protecting water quality, the requirements of the UDOT’s MS4 Permit, O&M requirements, inspection procedures, ways prevent or minimize impacts to water quality by how they perform their job activities, SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as, procedures for reporting water quality concerns, including potential illicit discharges. Ensure the SOPs for disposal of waste and wastewater identify BMPs to minimize pollutant discharges during maintenance and cleaning operations to the maximum extent practicable.

16. Finding #16: At the time of the audit, UDOT Maintenance Station SWPPP site maps were missing information or contained incorrect information for some facilities.

During the field site visits, the EPA Audit Team observed the following at UDOT Regions 1, 2, 3, and 4:

- The site map for the Perry Port of Entry did not include stormwater flow information for the storm drain located between the office and truck maintenance bay (refer to [Appendix B, Photograph 23](#)). Further, EPA Audit Team A observed unnamed surface waters adjacent to the maintenance station were not mapped.
- At the time of the field site visit, the site map for the Salt Lake East Maintenance Station in Region 2 was missing two storm drains observed during the field site visit.
 - UDOT updated this site map after the field site visit on April 20, 2023, to reflect additional storm drains.

- At the time of the field site visit, the site map for the Murray Maintenance Station included an outfall along the eastern perimeter of the facility, but no outfall was observed during the field site visit. Further, the stormwater surface flow directions were also incorrect on the site map. Specifically, the surface flow directions observed on the map at the time of the field site visit were directed away from the storm drain located downgradient of the vehicle wash rack.
 - UDOT updated this site map after the field site visit on April 20, 2023, to reflect the correct surface flow direction.
- SWPPP maps provided by UDOT did not include the locations of any visual stormwater monitoring points,
- At the time of the field site visit, the site map for the Provo/Orem Maintenance station did not include the location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contained water or not.
- At the time of the field site visit, the site map for Richfield Maintenance Station did not include the location of an onsite wash rack.
- The site map for Pintura Maintenance Shed (satellite facility) was not updated to reflect the installed retention basin. Additionally, the site map did not include the location of the infiltration inlets or the updated direction of stormwater flow.

Permit Requirements:

Part 4.2.6.5 of the Permit states, “The Permittee shall update the SWMP to include a list of “high priority” facilities according to 4.2.6.3 and prepare a Storm Water Pollution Prevention Plan (SWPPP) for each facility within 180 days from the effective date of this permit. Each “high priority” facility shall implement a SWPPP outlining measures to prevent pollutants from entering the storm drain system from each of these facilities and contain an inspection schedule of the facility.

The SWPPP shall include a site map showing the following information:

- Facility Address;
- Staff/contact information for the facility;
- Property boundaries;
- Buildings and impervious surfaces;
- Directions of storm water flow (use arrows);
- Locations of structural control measures;
- Facility BMPs (non-structural);
- Location and name of the nearest defined drainage(s) which could receive runoff from the facility, whether it contains water or not;
- Locations of all storm water conveyances including ditches, pipes, basins, inlets, and swales;
- Locations where on-site activities may be exposed to storm water, including, but not limited to the following:
 - Fixed fueling operations;
 - Vehicle and equipment maintenance and/or cleaning areas;

- Brine making areas;
- Loading/unloading areas;
- Waste storage or disposal areas;
- Liquid storage tanks;
- Process and equipment operating areas;
- Materials storage or disposal areas;
- Locations where significant spills or leaks have occurred;
- Locations of all visual storm water monitoring points;
- Locations of storm water inlets and outfalls, with a unique identification code for each outfall and an approximate outline of the areas draining to each outfall;
- Locations of all non-storm water discharges; and
- Locations of sources of run-on to your site from adjacent properties.”

Corrective Actions/Recommendations:

1. Ensure the SWPPP and map for each “high priority” facility listed above are updated to reflect current site conditions and contain all the required information per permit part 4.2.6.5. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.
2. Ensure that the SWPPP and map for all other “high priority” facilities contain all the required information per permit part 4.2.6.5. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.

17. Finding #17: At the time of the audit, UDOT personnel were not conducting all monthly, semi-annual, and annual inspections at UDOT owned/operated facilities.

As stated in the Minimum Control Measures section of this report, during the audit, UDOT representatives stated that all UDOT owned/operated maintenance stations, and Port of Entry’s are classified as “high priority.” During the audit, UDOT representatives shared data on completion percentages specifically for the SWPPP Visual Inspection, Comprehensive Inspection, and Visual Observation of Stormwater Discharge Inspection at maintenance stations and ports of entry, which showed inspections had not been conducted at the required frequency at 96 out of the 140 listed facilities (refer to Appendix C, Exhibit 18). Some examples include:

- The Salt Lake East Maintenance Station in Region 2 only completed 56% of the required monthly visual inspections from August 31, 2021 – February 28, 2023, and 67% of the semiannual comprehensive inspections from August 31, 2021 – December 31, 2022.
- The Salt Lake/Region 2 office had not completed any semiannual comprehensive inspections from August 31, 2021 – December 31, 2022, or any annual visual observation of stormwater discharge inspections in 2021 or 2022.
- The Sevier Maintenance Station in Region 4 had only completed 50% of its annual visual observation of stormwater discharge inspections from August 31, 2021 – December 31, 2022.

- Below is a summary for August 31, 2021, to December 31, 2022, provided in the document identifying the inspection completion percentages at maintenance stations and Ports of Entry:
 - In Region 1, the document indicates that 11 out of the 22 stations had not completed all their monthly visual inspections.
 - In Region 2, the document indicates that 17 out of the 26 stations had not completed all their monthly visual inspections.
 - In Region 3, the document indicates that 6 out of the 23 stations had not completed all their monthly visual inspections.
 - In Region 4, the document indicates that 62 out of the 69 stations had not completed all their monthly visual inspections.
 - Out of the sixteen facilities observed by the EPA Audit Team, only five had completed 100% of the required inspections.

Permit Requirements:

Part 4.2.6.6 of the Permit states, “The following inspections shall be conducted at “high priority” Permittee-owned or operated facilities:

4.2.6.6.1 Monthly visual inspections: The Permittee must perform monthly visual inspections of “high priority” facilities and related storm water outfalls in accordance with the developed inspection SOPs to verify the performance of the BMPs and all other systems designed and placed to eliminate pollutant discharges...

4.2.6.6.2 Semi-Annual comprehensive inspections: At least twice per year, a comprehensive inspection of “high priority” facilities, including all storm water controls, must be performed, with specific attention paid to waste storage areas, dumpsters, vehicle and equipment maintenance/fueling areas, material handling areas, and similar pollutant-generating areas...

4.2.6.6.3 Annual visual observation of storm water discharges: At least once per year, the Permittee must visually observe the quality of the storm water discharges from the “high priority” facilities.”

Corrective Actions/Recommendations:

1. Ensure monthly visual inspections are consistently conducted and documented for all “high priority” facilities per permit part 4.2.6.6.1. Provide EPA Region 8 with a proposed narrative on how this will be achieved.
2. Ensure semi-annual comprehensive inspections are consistently conducted and documented for all “high priority” facilities at least twice per year per

permit part 4.2.6.6.2. Provide EPA Region 8 with a proposed narrative on how this will be achieved.

3. Ensure annual visual observation of storm water discharges are consistently conducted and documented for all “high priority” facilities at least once per year per permit part 4.2.6.6.3. Provide EPA Region 8 with a proposed narrative on how this will be achieved.

18. Finding #18: At the time of the audit, UDOT inspectors were not consistently inspecting stormwater outfalls at maintenance facilities.

UDOT’s Survey123 forms for monthly inspections at the maintenance stations visited by the EPA Audit Team did not prompt UDOT inspectors to inspect all stormwater outfalls. Specifically, the forms have a category for stormwater drainage system, but nothing specifically prompting “outfall” inspections. Additionally, the Echo Maintenance Station representative did not inspect the facility outfall during the field site visit, nor did the representatives’ inspection cover the entire facility. Specifically, the UDOT inspector did not walk the perimeter of the station to look for potential pollutants or illicit discharges.

Permit Requirements:

Part 4.2.6.6.1 of the Permit states, “The Permittee must perform monthly visual inspections of “high priority” facilities and related storm water outfalls in accordance with the developed inspection SOPs to verify the performance of the BMPs and all other systems designed and placed to eliminate pollutant discharges.”

Part 4.2.6.9. of the Permit states, “The Permittee shall require that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training. The annual training shall address the importance of protecting water quality, the requirements of this Permit, O&M requirements, inspection procedures, ways prevent or minimize impacts to water quality by how they perform their job activities SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as, procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and contain, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall document and maintain records of the training provided and the staff in attendance. The Permittees must ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.”

Corrective Actions/Recommendations:

1. Ensure monthly visual inspections are conducted for all “high priority facilities” and related storm water outfalls. Ensure that the Survey123 forms

include a line item for inspecting facility outfalls. Ensure these inspections are conducted in accordance with UDOT's inspection SOPs.

2. Ensure all employees, contracted staff, and other responsible entities are trained appropriately. Ensure the training addresses the SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as procedures for reporting water quality concerns, including potential illicit discharges. Ensure follow-up training is provided as needed to address changes in procedures, methods, or staffing.

19. Finding #19: At the time of the audit, not all UDOT owned/operated facilities were implementing site-specific SOPs to protect water quality.

EPA Audit Team A observed that UDOT employees at the Murray Maintenance Station were not ensuring that vehicle wash water was contained to the wash rack area or onsite retention basin and were not conducting vehicle washing to ensure protection of water quality. Part 2.6: Wash Water Conveyance, of the facility's SWPPP, dated December 2, 2022, states, "The wash rack is located adjacent to the retention basin. All wash water flows directly to the basin." However, during the field site visit, EPA Audit Team A observed vehicle wash water going directly into the onsite storm drain.

Part 3.1.3: SOPs for Vehicles and Equipment of the facility's SWPPP dated December 2, 2022, states, "Vehicles are washed at the wash rack where wash water flows to the retention basin."

Permit Requirements:

Part 4.2.6.7 of the Permit states, "Permittees shall develop and implement SOPs to protect water quality at each of the facilities owned or operated by the Permittee and/or activities conducted by the Permittee including, but not limited to, those listed below:

- Buildings and facilities;
- Material storage areas;
- Heavy equipment storage areas and maintenance areas;
- Right-of-way and open space (including wetland mitigation sites);
- Vehicle and Equipment;
- Roads, highways, and parking lots; and
- Storm water collection and conveyance system."

Part 4.2.6.7.1 of the Permit states, "SOPs shall address the following practices to ensure they are protective of water quality:

- Use, storage, and disposal of chemicals;
- Storage of salt, sand, gravel, landscaping materials, asphalt and other materials;
- Waste and trash management;
- Cleaning, washing, painting and maintenance activities including: cleaning of maintenance equipment, building exteriors, and trash containers;

- Sweeping roads and parking lots;
- Proper application, storage, and disposal of fertilizer, pesticides, and herbicides and minimizing their use;
- Lawn maintenance and landscaping activities including: proper disposal of lawn clipping and vegetation;
- Green waste deposited in the street;
- Proper disposal of pet wastes;
- Vehicle maintenance and repair activities including: use of drip pans and absorbents under or around leaky vehicles and equipment;
- Vehicle/equipment storage including storing indoors where feasible;
- Vehicle fueling including placing fueling areas under cover in order to minimize exposure where feasible;
- Road and parking lot maintenance, including: pothole repair, pavement marking, sealing, and repaving;
- Cold weather operations, including: plowing, sanding, application of deicing compounds, and maintenance of snow disposal areas;
- Right-of-way maintenance, including: mowing, herbicide and pesticide application;
- UDOT-sponsored events such as large outdoor festivals, parades, or street fairs and the clean-up following these events;
- Regular inspection, cleaning, and repair of storm water conveyance and structural storm water controls;
- Graffiti removal; and
- Any activities or operations not listed above that would reasonably be expected to discharge contaminated runoff;"

Consent Decree Requirements:

Paragraph 38.C of the Consent Decree states, "Defendant's report shall also describe a plan for the following long-term maintenance items... A plan that requires adequate BMPs for preventing contaminated runoff from leaving maintenance facilities and that requires adequate BMPs to be implemented and maintained on a consistent basis."

Paragraph 39 of the Consent Decree states, "Defendant's report and plan, described in Paragraphs 37 and 38, shall be subject to the deliverables procedures specified in Paragraph 49. Within 30 Days after receipt of final EPA acknowledgement and comments on the report and plan described in Paragraphs 37 and 38, Defendant shall

implement the plans, post the report and plans on the UDOT website, and distribute the plans to all pertinent UDOT personnel and contractors.”

Corrective Actions/Recommendations:

1. Ensure the SOPs that were developed and implemented at each of the facilities owned or operated by the permittee are protective of water quality.
 - a. UDOT representatives provided EPA Audit Team A with documentation stating that vehicle washing had ceased at the Murray Maintenance Station (refer to [Appendix C, Exhibit 9](#)).

20. Finding #20: At the time of the audit, UDOT was not consistently implementing a regular schedule for road and parking lot sweeping.

During the field site visit, UDOT representatives at the Salt Lake East Maintenance Station in Region 2 stated that they did not have a regular schedule for road and parking lot sweeping. The UDOT representative stated that catch basin cleaning was conducted on an as-needed basis and was primarily complaint driven from the public.

UDOT provided the EPA Audit Team with a document titled *Maintenance Schedule Spreadsheet* which outlines “Preventative Maintenance Schedule (in the “field”-- catch basin cleaning, sweeping, etc)” for the UDOT maintenance stations. The frequencies for cleaning include “as needed,” “2x a year,” “annual,” and “none”. However, not all the maintenance stations include a frequency for cleaning (e.g., Cedar Mountain, Murray, and Hot Springs). Further, UDOT provided the EPA Audit Team with a document titled *Sweeping and Vacuuming Operations SOP* that discusses sweeping SOPs (refer to [Appendix C, Exhibit 19](#)). However, the document does not include SOPs or cleaning frequencies for catch basins, stormwater conveyance pipes, ditches and irrigation canals, culverts, structural stormwater controls or discuss sweeping/cleaning priorities.

Permit Requirements:

Part 4.2.6.7.2 of the Permit states, “SOPs must include a schedule for Permittee owned road and parking lot sweeping and storm drain system maintenance. The SOPs must include regular inspection, cleaning, and repair of catch basins, storm water conveyance pipes, ditches and irrigation canals, culverts, structural storm water controls, and structural runoff treatment and/or flow control facilities. Permittees must prioritize sweeping and storm sewer system maintenance, with the highest priority areas being maintained at the greatest frequency. Priorities should be driven by water quality concerns, most recent assessment of the receiving water, the amount and type of material that typically accumulates in an area, or other location-specific factors.”

Corrective Actions/Recommendations:

1. Ensure the SOPs for Permittee owned road and parking lot sweeping and storm drain system maintenance include a schedule for maintenance and regular inspection, cleaning, and repair.

21. Finding #21: At the time of the audit, EPA Audit Team A observed vehicle wash water being discharged to the MS4.

During the field site visit at the Murray Maintenance Station, EPA Audit Team A observed the vehicle wash rack positioned upgradient of a storm drain. UDOT representatives stated wash water drains to this storm drain each time vehicles are washed and that vehicles are washed after each snowstorm. During the field site visit, EPA Audit Team A observed water containing a sheen flowing into the storm drain downgradient from the wash rack (refer to [Appendix B, Photographs 100-102](#)).

Permit Requirements:

Part 4.2.6.7.4 of the Permit states, “Permittees must ensure that vehicle, equipment, and other wash waters are not discharged to the MS4 or waters of the state as these types of discharges are strictly prohibited under this Permit.”

Consent Decree Requirements:

Paragraph 38.C of the Consent Decree states, “Defendant's report shall also describe a plan for the following long-term maintenance items... A plan that requires adequate BMPs for preventing contaminated runoff from leaving maintenance facilities and that requires adequate BMPs to be implemented and maintained on a consistent basis.”

Paragraph 39 of the Consent Decree states, “Defendant's report and plan, described in Paragraphs 37 and 38, shall be subject to the deliverables procedures specified in Paragraph 49. Within 30 Days after receipt of final EPA acknowledgement and comments on the report and plan described in Paragraphs 37 and 38, Defendant shall implement the plans, post the report and plans on the UDOT website, and distribute the plans to all pertinent UDOT personnel and contractors.”

Corrective Actions/Recommendations:

1. Truck wash water is an unauthorized discharge per permit part 1.4.1. Ensure truck wash water is not discharged to the MS4 at the Murray Maintenance Station.
 - UDOT representatives provided EPA Audit Team A with documentation stating that vehicle washing had ceased at the Murray Maintenance Station (refer to [Appendix C, Exhibit 9](#)).

22. Finding #22: At the time of the audit, UDOT had not developed spill prevention plans in coordination with the local fire departments.

Facility representatives stated during the virtual meetings that spill prevention plans are not developed in coordination with local fire departments.

Permit Requirements:

Part 4.2.6.7.5 of the Permit states, “The Permittee shall develop a spill prevention plan in coordination with the local fire department.”

Corrective Actions/Recommendations:

1. Ensure spill prevention plans are developed in coordination with local fire departments. Provide EPA Region 8 with a proposed timeframe and narrative on how this will be achieved.

23. Finding #23: At the time of the audit, UDOT maintenance station inspectors did not appear to be properly trained on stormwater and pollutant management requirements.

The EPA Audit Teams observed the following during field site visits at UDOT Regions 1, 2, and 4:

- The Perry Port of Entry representative was unaware of what a stormwater BMP was.
- The Ogden Maintenance Station representative was also not knowledgeable of what a BMP was, seemed unfamiliar with the inspection checklist, did not inspect all facility drains, and was not familiar with the facility’s SWPPP. The representative also did not identify several deficiencies observed by the EPA Audit Team during the field site visit on March 7, 2023, and did not walk the entire facility for the field site visit.
 - Further, on the inspection report for March 7, 2023, the maintenance station representative noted that there were no spills on the impervious outside surfaces (refer to [Appendix C, Exhibit 20](#)). However, it is difficult to give a definitive answer without fully walking the whole facility.
- The Hooper Maintenance Station representative was not familiar with the facility’s SWPPP, the facility’s infrastructure, nor could he remember any stormwater training he had taken. The inspector also did not walk the entire facility for the field site visit.
- The Centerville Maintenance Station representative was not educated on used/waste oil being considered a hazardous waste, was unaware of outfalls at the facility, and did not walk the entire facility during the field site visit.
- The Echo Maintenance Station representative did not inspect the facility outfall during the field site visit or walk the entire facility.
- The Salt Lake East Maintenance Station representative was not knowledgeable of the facility’s SWPPP, did not know to document when corrective actions were completed, did not inspect all storm drains, and did not inspect the entire facility during the field site visit.
- The Murray Maintenance Station representative did not inspect the onsite storm drains during the field site visit.

Most of the maintenance station representatives in Regions 1 and 2 could recall participating in stormwater training when first hired (except for the Hooper Maintenance Station representative) but had difficulty remembering when recurring training was or the

training content. Further, while UDOT appeared to be meeting the Permit-required annual training frequency, the training was not ensuring UDOT staff were consistently identifying all potential issues during inspections.

Permit Requirements:

Part 4.2.6.9 of the Permit states, “The Permittee shall require that all employees, contracted staff, and other responsible entities that have primary operation, or maintenance job functions that are likely to impact storm water quality receive annual training. The annual training shall address the importance of protecting water quality, the requirements of this Permit, O&M requirements, inspection procedures, ways prevent or minimize impacts to water quality by how they perform their job activities SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as, procedures for reporting water quality concerns, including potential illicit discharges. Training records must be kept and contain, at a minimum, dates, activities or course descriptions, and names and positions of staff in attendance. The Permittee shall document and maintain records of the training provided and the staff in attendance. The Permittees must ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum. Follow-up training shall be provided as needed to address changes in procedures, methods, or staffing.”

Corrective Actions/Recommendations:

1. Ensure all employees, contracted staff, and other responsible entities are trained appropriately. Ensure the training addresses the importance of protecting water quality, the requirements of the UDOT’s MS4 Permit, O&M requirements, inspection procedures, ways prevent or minimize impacts to water quality by how they perform their job activities, SOPs and SWPPPs for the various Permittee-owned or operated facilities, as well as procedures for reporting water quality concerns, including potential illicit discharges.
2. Ensure that all new hires are trained within 60 days of hire and annually thereafter, at a minimum.
3. Ensure that follow-up training is provided as needed to address changes in procedures, methods, or staffing.