WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PROGRAM INSPECTION REPORT

Remote Interview Dates: June 2, 2022
Field Visit Dates:
June 14-15, 2022 &
June 28-29, 2022

Unique Project Identifier: 3E22WN037A

U.S. Environmental Protection Agency, Region III
Enforcement & Compliance Assurance Division
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Table 1. Summary of Permit Requirements and Review Observations

Program Element	Observations
MCM 1: (Public Education and Outreach)	No observations noted.
MCM 2: (Public Involvement and Participation)	No observations noted.
MCM 3: (Illicit Discharge Detection and Elimination (IDDE))	Observation 1. At the time of the inspection, WVDOH did not have a formal ordinance or regulatory mechanism to regulate or enforce the IDDE program. Observation 2. The WVDOH stormwater management plan (SWMP) reviewed by the EPA Inspection Team does not contain response procedures for spills into the WVDOH MS4 system or a system not under the purview of another responding authority. Observation 3. At the time of the inspection, the WVDOH map was incomplete and did not include all Permit-required elements. Observation 4. At the time of the inspection, WVDOH had not developed and implemented procedures to locate priority areas likely to have illicit discharges within WVDOH's MS4 area. Observation 5. According to WVDOH's 2021 Annual Report, "0" field assessments were conducted during the 2021 reporting period. Observation 6. The WVDOH SWMP does not include documented procedures for all Permit-required IDDE activities. Observation 7. Permit-required IDDE training activities were not achieved in 2020 for all districts. Observation 8. WVDOH had not developed a comprehensive tracking system to document the number and type of spills or illicit discharges throughout the MS4 and was not documenting all instances of illicit discharges or associated inspections.

Program Element	Observations
MCM 4: (Controlling Runoff from Construction Sites)	Observation 9. At the time of the inspection, WVDOH had not developed a regulatory mechanism or ordinance that addresses stormwater runoff from construction sites. Observation 10. The WVDOH SWMP does not identify training measures for construction site operators with respect to stormwater pollution prevention. Observation 11. WVDOH had not developed a construction site runoff program that includes the Permit-required elements. Observation 12. At the time of the inspection, WVDOH was not ensuring that the construction site operators were maintaining adequate erosion control, sediment control, and pollution prevention BMPs at construction sites.
MCM 5 (Controlling Runoff from New Development and Redevelopment)	Observation 13. At the time of the inspection, WVDOH was not enforcing the submittal of 'as-built" certifications. Observation 14. At the time of the inspection, WVDOH District 5 was not requiring maintenance agreements and maintenance plans for approved stormwater management practices. Observation 15. At the time of the inspection, WVDOH District 5 was not requiring verification of maintenance for post-construction BMPs. Observation 16. The WVDOH post-construction BMP tracking system did not include all Permit-required components. Observation 17. WVDOH had not developed a formal inspection calendar or enforcement and response plan to ensure all post-construction BMPs are properly maintained in all districts. Observation 18. The WVDOH District 5 inspection reports for post-construction BMPs did not include all Permit-required components. Observation 19. The WVDOH 2021 Annual Report did not include summaries of all Permit-required post construction controls components Observation 20. At the time of the inspection, the EPA Inspection Team observed instances where post-construction BMPs appeared to be in need of maintenance.

Program Element	Observations
MCM 6 (Pollution Prevention & Good Housekeeping for Municipal Operations (PPGH))	Observation 21. At the time of the inspection, WVDOH was not regularly tracking maintenance records for District 5's twenty-three (23) municipal facilities. Observation 22. The WVDOH SWMP does not contain specific procedures for sediment and erosion control, landscape maintenance and vegetation disposal, and chemical and material storage for or from "all lands owned or maintained by the permittee". Observation 23. The WVDOH SWMP does not contain any reference to a benchmark monitoring plan for stormwater discharges from facilities owned and operated by WVDOH. Observation 24. The EPA Inspection Team observed housekeeping and operation and maintenance issues at the municipal facilities.

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ATTACHMENTS

Appendix A: *West Virginia Department of Environmental Protection (WVDEP) National Pollutant Discharge Elimination System Water Pollution Control Permit No. WV0116025, effective August 11, 2014*

Appendix B: EPA Records Requests and Agenda

Appendix C: Photo Log

Appendix D: Exhibit Log

I. INTRODUCTION

On June 2, June 14 – 15, and June 28 – 29, 2022, EPA Region III representatives and EPA contractors (hereinafter, EPA Inspection Team) performed a compliance review of West Virginia Department of Transportation Division of Highways (hereinafter, "WVDOH" or "Permittee" or "the Department") Municipal Separate Storm Sewer System (MS4). The review consisted of an offsite review which included a remote interview with the Permittee that took place on June 2, 2022 to discuss the WVDOH MS4 program and an onsite portion on June 14-15 and June 28-29, 2022. The onsite portion included field visits of multiple locations in WVDOH District 5 that discharge to the WVDOH MS4. Both the offsite review and site field visits were conducted to assess WVDOH's compliance with the requirements of West Virginia's *National Pollutant Discharge Elimination System (NPDES) General Permit to Discharge Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s)* (NPDES General Permit No. WV0116025, Permit Registration No. WVR030004; hereinafter, the "Permit"). A copy of the Permit is provided in Appendix A.

The purpose of this compliance review was to obtain information to assist EPA Region III in assessing WVDOH's compliance with the requirements of the Permit, as well as the implementation status of its current MS4 program. The presentation of observations in this report does not constitute a formal compliance determination or notice of violation.

The review focused on the following Permit components:

- Overall Program Management
- Public Education and Outreach (PEO)
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination (IDDE)
- Controlling Runoff from Construction Sites
- Controlling Runoff from New Development and Redevelopment
- Pollution Prevention & Good Housekeeping for Municipal Operations (PPGH)

The EPA Inspection Team obtained information through a records review and an interview via a remote interview and onsite discussions with WVDOH representatives. A copy of the EPA records request and review agenda is included in Appendix B. The following primary representatives participated in the review:

WVDOH Representatives:	Laura Conley-Rinehart – Technical Support Division - Permit Unit Supervisor (Virtual and Field) Steve Sites – District 5 Environmental Coordinator (Virtual and Field) Hannah Urban – District 5 Assistant Environmental Coordinator (Virtual and Field) Mike Troyan – Asset Management Section Head (Virtual and Field) Frank Rose – Support Division, NEPA Section - Permitting Unit (Virtual and Field)

Mallory Howdyshell – Intern (Field)
Daniel Watts – Assistant District 5 Engineer, Construction (Field)
Adam Crites – Project Supervisor (Field)
Josh Leatherman – Inspector (Field)
John Martin – HCOADM (Field)
Jessica Boggs – WVDOH Permitting (Field)
Matt Davidson – District 2 Environmental Coordinator (Virtual)
Tom Rabel – District 2 Assistant Environmental Coordinator (Virtual)
Chad Vance – Facility Compliance Coordinator (Virtual)
Douglas Kirk – Chief Engineer of Environmental Compliance (Field and Virtual)
Tony Clark – District 6 Engineer (Virtual)
Michelle Frame – District 1 Environmental Coordinator (Virtual and Field)
Vernon Samms – District 1 Assistant Environmental Coordinator (Virtual and Field)
Erin Gardner – District 10 Environmental Coordinator (Virtual)
Frank Moses – District 10 Assistant Environmental Coordinator (Virtual)
Taylor Boone – HPMS Coordinator (Virtual)
Jennifer King – District 9 Environmental Coordinator (Virtual)
Shawn Six – Environmental Facility Compliance Coordinator (Virtual)
Jacob Bumgarner – Operations Division Director (Virtual)
Chad Saas – District 4 Environmental Coordinator (Virtual and Field)
Jim Moore – District 9 Acting District Engineer (Virtual)
Curtis Cavender – WVDOH Project Supervisor
Josh Verst – WVDOH Co-op (Field)
Chris Harvey – WVDOH (Field)

EPA Representatives:
Michael Greenwald – EPA Region 3 (Virtual and Field)
Peter Gold – EPA Region 3 (Field)

State Representatives:
Keith Allison – WVDEP (Field)
Alan Kee – WVDEP (Field)

EPA Contractors:
Taylor Fontaine – PG Environmental (Virtual and Field)
Page Cirillo – PG Environmental (Virtual and Field)
Tiffany Brackett – PG Environmental (Virtual)
Rob Naeser – PG Environmental (Virtual)

Additional Representatives:
Madison Morgan – Intern, Triton Construction Inc. (Field)
Jacob Lambert – Project Engineer, Triton Construction Inc. (Field)
Justin Koers – Project Manager, Triton Construction Inc. (Field)

Ernie Cook – Supervisor, A.L.L. Construction Group (Field)
Devin Flohr – Foreman, A.L.L. Construction Group (Field)
Jesse Johnson – Super, Triton (Field)
Tim Moore – Mountaineer Contractors (Field)
Kerry Wolfe – Mountaineer Contractors (Field)

ONSITE INSPECTION PROCESS

For the purposes of this report, the field visits (June 14-15 and June 28-29, 2022) focused on MCMs 4 – 6: MCM 4 (Controlling Runoff from Construction Sites); MCM 5 (Controlling Runoff from New Development and Redevelopment); and MCM 6 (Pollution Prevention & Good Housekeeping for Municipal Operations (PPGH)). District 5 is the only WVDOH district predominately located within the Chesapeake Bay Watershed. Appendix C, Photo Log contains photos taken during the field visits.

On June 14-15, 2022, the EPA Inspection Team conducted field visits within District 5 at two (2) active construction sites, one (1) construction "waste site", six (6) post-construction stormwater management practices (post-construction BMPs), and one (1) MS4 Highway Maintenance facility.

On June 28, 2022, The EPA Inspection Team conducted field visits within District 1 at one (1) active construction site, one (1) MS4 Highway Maintenance facility, and one (1) post-construction BMP.

On June 29, 2022, The EPA Inspection Team conducted field visits within District 4 at one (1) active construction site, one (1) MS4 Highway Maintenance facility, and one (1) post-construction BMP.

Observations based on both the offsite compliance review and the field visits are documented in the sections below.

ONSITE INSPECTION OPENING CONFERENCES

The EPA Inspection Team arrived at the District 5 Highway Maintenance Facility/Berkeley County Headquarters in Martinsburg, West Virginia at 9:00 a.m. (EDT) on June 14, 2022 to begin the field visits. Taylor Fontaine of PG Environmental and Michael Greenwald of EPA Region III displayed their Clean Water Act inspector credentials to WVDOH representatives at the outset of the inspection and explained that the purpose of the inspection was to make field visit observations to complement an offsite compliance review of WVDOH's MS4 program conducted June 2, 2022. Copies of the inspection sign-in sheets are included in the Exhibit Log in Appendix D, Exhibit 1.

Precipitation data for the field visits is contained below in Table 2. Precipitation data was collected from the National Oceanic and Atmospheric Administration (NOAA) National

Weather Service and has been provided for each District for the day of the inspection and five (5) days prior.

Table 2. Total Precipitation Preceding Inspection

Station Name	District	Date	Precipitation Amount (inches)[1]
MARTINSBURG 2, WV US USC00465706	5	June 9, 2022	0.38
MARTINSBURG 2, WV US USC00465706	5	June 10, 2022	0.00
MARTINSBURG 2, WV US USC00465706	5	June 11, 2022	0.04
MARTINSBURG 2, WV US USC00465706	5	June 12, 2022	0.27
MARTINSBURG 2, WV US USC00465706	5	June 13, 2022	0.00
MARTINSBURG 2, WV US USC00465706	5	June 14, 2022	0.24
MARTINSBURG 2, WV US USC00465706	5	June 15, 2022	0.00
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 22, 2022	0.00
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 23, 2022	0.80
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 24, 2022	0.04
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 25, 2022	0.27
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 26, 2022	0.00
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 27, 2022	1.50
SOUTH CHARLESTON 2.0 ESE, WV US US1WVKN0035	1	June 28, 2022	0.00
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 23, 2022	0.04
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 24, 2022	0.00
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 25, 2022	0.00
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 26, 2022	0.00
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 27, 2022	0.31
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 28, 2022	0.00
RIVESVILLE 1.7 N, WV US US1WVMA0010	4	June 29, 2022	0.00

II. WVDOH PROGRAM BACKGROUND

WVDOH is structured with a central office in Charleston and ten (10) distinct engineering districts (i.e., District 1 through 10). Each district's roadway construction, operation, and maintenance programs are overseen by the respective district. At the time of the inspection,

[1] Source: NOAA National Climatic Data Center (http://www.ncdc.noaa.gov/).

WVDOH representatives stated eight (8) of the ten (10) engineering districts had urbanized areas (UAs) that drain to the MS4, excluding Districts 7 and 8.

Based on information included on WVDOH's website, the following UAs within the WVDOH jurisdiction were identified during the 2010 U.S. Census: Beckley, Charleston, Cumberland, Hagerstown, Huntington, Morgantown, Parkersburg, Weirton, and Wheeling.

WVDOH representatives stated that the Permittee's MS4 program was primarily administered through WVDOH's Engineering Division and managed by the Permit Unit Leader operating out of the WVDOH Central Office. The Permit Unit Leader is situated in Special Programs. At the time of the inspection, WVDOH had no backup or deputy in the event the Permit Unit Leader was out of the office.

The day-to-day operations of the MS4 program occur in each district under the District Environmental Coordinator's (DEC) oversight. Each district may have one or more Assistant District Environmental Coordinator (ADECs) who aid with implementing the MS4 program. The DECs and ADECs report to the district Maintenance Engineer, who in turn reports to the District Engineer. The DECs and ADECs do not directly report to the Permit Unit Leader because they are under a different chain of command (refer to Appendix D, Exhibit 2) for the WVDOH organizational chart.

The Permit Unit Leader explained that WVDOH's MS4 program is funded using the WVDOH general fund and does not have a fund entirely dedicated to the MS4 Program. Specifically, the MS4 maintenance, inspection, and construction and design activities funding comes from the overall WVDOH general fund.

According to WVDOH representatives, WVDOH submitted its site registration application (SRA) for coverage under the Permit in May 2011. WVDOH has a stormwater management plan (SWMP), last updated September 1, 2016 that contains procedures for implementing the MS4 program (refer to Appendix D, Exhibit 3). The West Virginia Department of Environmental Protection (WVDEP) reviews and accepts the SWMP and other MS4 activities coordinated with WVDEP. The SWMP states that approximately 167,700 square miles of land outside of WVDOH's jurisdictional boundaries drains into the WVDOH MS4, statewide.

INFORMATION OBTAINED RELATIVE TO PERMIT REQUIREMENTS

The EPA Inspection Team obtained documentation and other supporting information to evaluate compliance with the Permit prior to, during, and after meeting with Permittee staff during the remote interview and field visits. Observations regarding WVDOH's implementation of Permit requirements are presented in this report.

On May 9, 2022, the EPA Inspection Team provided the Permittee with a records request that listed documents to be available for review during the inspection, with certain items to be provided prior to the inspection (refer to Appendix B). WVDOH made numerous documents available electronically to the EPA Inspection Team utilizing a Google Drive shared folder. The EPA Inspection Team reviewed the documentation and other supporting evidence provided by

WVDOH regarding compliance with the Permit. Referenced documentation used as supporting information is provided in Appendix C, Exhibit Log.

On June 17, 2022 and July 14, 2022, after each of the field visits, the EPA Inspection team emailed the Permittee with an additional list of requested documents (refer to Appendix B).

III. OBSERVATIONS

The following sections of this report describe WVDOH's approach to implementing minimum control measures, the relevant Permit requirements, and observations made during the review process.

MINIMUM CONTROL MEASURE 1: PUBLIC EDUCATION AND OUTREACH

The WVDOH Central Office develops the public education and outreach (PEO) program to comply with the MS4 Permit and provides guidance to the districts. WVDOH's PEO program is described in the SWMP.

Each district is responsible for implementing the PEO program. The DECs and ADECs predominantly oversee PEO activities. The primary outreach activity implemented by the districts includes distribution of stormwater related information through pamphlets/brochures.

The Permit Unit Leader collects and compiles each district's MS4 program information, including PEO activities, for the MS4 annual report.

MINIMUM CONTROL MEASURE 2: PUBLIC INVOLVEMENT AND PARTICIPATION

The Public Involvement and Participation program is primarily administered on the district level by the DECs and ADECs, with guidance from the Central Office. According to WVDOH representatives, the public can routinely comment on when the draft MS4 SWMP is in development. Additionally, the WVDOH holds other public involvement and participation events such as an Adopt-A-Highway program and local cleanup efforts which are administered by the District Maintenance Office.

MINIMUM CONTROL MEASURE 3: ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

The WVDOH SWMP contains procedures for the identification, source tracing, and removal of potential illicit discharges (refer to Appendix D, Exhibit 3). The DECs and ADECs, with guidance from the Central Office, are responsible for IDDE program implementation, including illicit discharge tracking, follow-up, and corrective actions. WVDOH representatives stated that they regularly distribute information to the public on illicit discharges.

WVDOH representatives stated that the Division does not have formal legal authority to enforce the IDDE program, but instead relies on Chapter 17 of the State Code and WVDEP for assistance.

Permit Part II.C.7.c.1 (IDDE) states that the permittees must "develop, implement, assess, and enforce a program to prohibit improper disposal, detect and remove illicit connections, and eliminate illicit discharges to the storm sewer system."

Permit Part II.C.7.c.12 (IDDE) states that the regulatory mechanism must "be as stringent at prohibiting and eliminating illicit pollutant sources from entering the MS4 as allowable under State and Local law."

Permit Part II.C.7.c.17 (IDDE) states that the regulatory mechanism must shall "include escalating enforcement procedures."

Observation 1: At the time of the inspection, WVDOH did not have a formal ordinance or regulatory mechanism to regulate or enforce the IDDE program. WVDOH representatives explained that the WVDOH cannot take on a liability, such as an illicit discharge, that it did not create. Instead, WVDOH coordinates IDDE response and enforcement with the WVDEP and local MS4s. Further, the SWMP states that external entities that could potentially impact the WVDOH right of way are subject to Chapter 17 of the State Code (refer to Appendix D, Exhibit 3). However, WVDOH has no direct authority to prohibit wastewater/stormwater connections into their MS4 system.

Permit Part II.C.7.c.5 (IDDE) states that the SWMP shall contain, "a response procedure for spills into the storm sewer system not under the purview of another responding authority."

Observation 2: The WVDOH SWMP reviewed by the EPA Inspection Team does not contain response procedures for spills into the WVDOH MS4 system or a system not under the purview of another responding authority (refer to Appendix D, Exhibit 3). WVDOH representatives stated that depending on the location of the spill, WVDOH would coordinate with the local MS4 or WVDEP for spill response and cleanup.

Permit Part II.C.7.c.6 (IDDE) states that the "For new permittees, development of a map of the storm sewer system by the end of the first year after SWMP approval shall be a measurable,

enforceable goal for Illicit Discharge Detection and Elimination. Thereafter, storm sewer system maps shall be updated on an annual basis and shall include:

(a) The location of all known storm sewer outfalls,
(b) Known connections authorized since map was last updated,
(c) Receiving waters,
(d) Structural stormwater BMPs owned, operated or maintained by the permittee,
(e) The location and type of all other stormwater conveyances located within the boundaries of the MS4 watershed, and
(f) Geographic areas outside the permittee's jurisdiction that discharge stormwater into the MS4.
(g) The permittee may opt to include land use on the map."

Permit Part II.C.7.c.9 (IDDE) states that "Permittees shall label 303d and TMDL receiving waters on their maps as well as TMDL study areas. Sewershed areas shall be shown on the maps. The result shall be a map that shows specifically which MS4 areas drain to which impaired or TMDL water and whether and to what degree the drainage area coincides with the TMDL study area."

Observation 3: Even though WVDOH is not a new Permittee, at the time of the inspection, the WVDOH map was incomplete and did not include all Permit-required elements. Additionally, WVDOH did not have a process in place for annually updating the map. WVDOH provided the EPA Inspection Team with a digital version of their GIS-based map. The map displays various MS4 assets in districts with urban areas (UAs). The map identifies inlet and outlet locations, but it did not appear to include the location and type of other WVDOH owned stormwater conveyances located within UA boundaries or the location of 303d and TMDL receiving waters.

Permit Part II.C.7.c.18 (IDDE) states that the permittee "shall document:

(a) Locations of priority areas likely to have illicit discharges,
(b) Evaluation of land uses associated with business/industrial activities,
    i. The permittee shall develop an inventory of these priority areas.
    ii. The inventory will include a listing of all facilities with aboveground storage tanks that are not covered by an NPDES permit.
    iii. The permittee's first annual report after identifying the locations with above ground tank will include the number of tanks, contents, and address.
    iv. Subsequent annual reports do not need to include previously reported above ground tanks unless the permittee learns of changes at the facility such as tank demolition, construction, a new business type or owner, or a change of tank content.
(c) Previous complaint locations,
(d) Evaluations of the storage of large quantities of materials that could result in spills."

Observation 4: At the time of the inspection, WVDOH had not developed and implemented procedures to locate priority areas likely to have illicit discharges within WVDOH's MS4 area. Further WVDOH had not developed an inventory of

these priority areas or previous complaint locations. WVDOH representatives stated that they knew where these locations were, but they were not documented.

Permit Part II.C.7.c.20 (IDDE) states that "field assessment activities are to "include:

(a) Inspection of priority outfalls,
(b) Dry weather screening,
(c) New permittees shall prioritize receiving waters for visual inspection no later than three years from the effective date of this permit, including a field assessment of at least two water bodies.
(d) At a minimum, new permittees shall ensure one field assessment shall be made each year thereafter.
(e) Screening for illicit connections shall be conducted consistent with the manual titled" Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, Center for Watershed Protection, October 2004", or another methodology of comparable effectiveness."

Observation 5: According to WVDOH's 2021 Annual Report, "0" field assessments were conducted during the 2021 reporting period (refer to Appendix D, Exhibit 4). WVDOH representatives stated that due to COVID-19, social distancing, and manpower shortages, none of the districts conducted field assessments during the reporting period.

Though not a Permit requirement, WVDOH had not inspected 100 percent of its MS4 inlets and outlets since 2014. As part of its mapping effort, WVDOH representatives explained its goal is to re-inspect 25 percent of the identified inlets/outlets each year, such that it assesses all inlets/outlets in the MS4 areas every Permit cycle. WVDOH representatives stated during the virtual meeting that they had not inspected 100 percent of their inlets and outlets.

Permit Part II.C.7.c.22 (IDDE) states that the SWMP shall contain "procedures for:

(a) Characterizing the nature of and potential public or environmental threat posed by illicit discharges found by or reported to the Permittee and,
(b) Procedures for evaluating discharges which must be immediately contained and the steps to contain the discharge."

Permit Part II.C.7.c.23 (IDDE) states that the SWMP shall contain "procedures for:

(a) Investigating any information suggesting pollution within fifteen (15) days,
    i. The investigation shall be designed to determine the source of the discharge or connection, the nature and volume of discharge through the connection, and the party responsible for the connection.
    ii. The permittee shall establish a prioritization system for response and verification of the elimination of illicit connections.
    iii. The permittee shall assign a higher priority on illicit connections that pose an imminent threat to water quality.
(b) Immediately investigating emergencies cases,

(c) Referring pollution reports to the Director if imminent water quality impairments are deemed severe or urgent."

Permit Part II.C.7.c.25 (IDDE) states that the SWMP shall contain "procedures for removing the source of illicit discharges, notifications to appropriate authorities, property owner, business operator and follow up inspections."

Observation 6: The WVDOH SWMP does not appear to include documented procedures for all Permit-required IDDE activities (refer to Appendix D, Exhibit 3). Specifically, the SWMP appears to be missing procedures for:

- Evaluating discharges which must be immediately contained and the steps to contain the applicable discharge. The SWMP contains procedures for characterizing the threat posed by illicit discharges, but not evaluating those that require immediate cleanup.
- Procedures ensuring the investigation of information suggesting pollution is completed within fifteen (15) days.
- Procedures for follow up inspections once an illicit discharge has been removed.

Permit Part II.C.7.c.30 (IDDE) states that permittees shall "provide annual training to all municipal field staff who are responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, improper disposal and illicit connections.

(a) Follow up training shall address changes in procedures, techniques, or requirements.
(b) Additionally, staff who are not directly responsible for IDDE but who are likely to come into contact with illicit discharges are to be trained to identify and report such discharges to the permittee's group responsible for follow up.
(c) The measurable, enforceable goal for this component for new permittees shall consist of the development of a training program for staff whose duties encompass the tasks described in Part IIC.7.c)2S),26),27) and 28) where training encompasses the reduction and elimination of pollutants of concern to 303d/TMDL receiving waters. For example, a fecal coliform impairment shall prompt permittees to include training in prevention of the release of wastewater into the storm drain system by sanitary work crews."

Observation 7: WVDOH representatives explained that due to COVID-19, the Permit-required IDDE training activities were not achieved in 2020 for all districts. WVDOH representatives stated that WVDOH's goal is that all applicable employees will receive training at least once during the Permit cycle and that those employees involved with stormwater management will receive the training annually. WVDOH representatives stated that they try to provide training to each district, Technical Support Division, Operations Division, Engineering Division, and Contract Administration personnel annually.

WVDOH provided the EPA Inspection Team with copies of various District 1, District 4, and District 5 PowerPoint presentations on the overall

stormwater program, potential stormwater pollutants, and erosion and sediment control as well as completed training records (refer to Appendix D, Exhibit 5).

Permit Part II.C.7.c.32 (IDDE) states that the permittee "shall track, summarize, and report on an annual basis:

(a) The number and type of spills or illicit discharges identified during the reporting year,
(b) Inspections,
(c) Feedback received from IDDE public education efforts such as 303d/TMDL pollutants of concern, and
(d) Program evaluation results."

Observation 8: WVDOH had not developed a comprehensive tracking system to document the number and type of spills or illicit discharges throughout the MS4 and was not documenting all instances of illicit discharges or associated inspections. During the inspection, WVDOH representatives stated that illicit discharges may not be documented unless a "local substation or county discovers something" and that not all inspections are captured since staff "may not remember to document and send to coordinators". Further, the 2021 Annual Report lists "1" identified illicit discharge during the reporting period (refer to Appendix D, Exhibit 4).

MINIMUM CONTROL MEASURE 4: CONTROLLING RUNOFF FROM CONSTRUCTION SITES

At the time of the inspection, WVDOH representatives stated the DECs and ADECs are predominately responsible for the Controlling Runoff from Construction Sites program on the district level, with guidance from the Central Office. DECs and ADECs conduct construction stormwater inspections of active construction sites and least once per month, according to WVDOH representatives. Also at the district level, WVDOH construction inspectors are directed to conduct weekly and post-storm event construction stormwater inspections to monitor compliance with the CGP and MS4 Permit.

WVDOH representatives explained contracts for construction projects require compliance with the following: WVDEP's construction general permit (CGP) for projects which disturb greater than one acre; WVDOH's Erosion and Sediment Control Manual; and WVDOH construction specifications. WVDOH representatives stated that WVDOH uses informal processes to enforce MS4 and CGP Permit requirements applicable to construction sites but has no formal regulatory mechanism or ordinance in place for enforcement. WVDOH representatives stated, during the June 2, 2022 virtual interview with EPA, that construction sites are referred to WVDEP for inspection and enforcement when contractors do not respond to the Department's informal requests to comply with CGP and MS4 Permit requirements.

During the inspection, WVDOH representatives stated that DECs, ADECs, and construction project inspectors inspect stormwater pollution prevention plan (SWPPP) items for proper installation, functionality, and maintenance. The WVDOH goal is for the DEC or ADEC to inspect the construction project stormwater pollution prevention control items at least once a

month and the WVDOH construction inspectors should inspect the stormwater pollution prevention control items every 4 to 7 days or within 24 hours of a precipitation event of 0.25 inch or more.

Permit Part II.C.7.d.4 (Controlling Runoff From Construction Sites) states that "Annually, existing permittees shall review and update ordinances or other regulatory mechanisms that address stormwater runoff from construction sites. The measurable, enforceable goal for existing permittees for this measure is to prioritize, through the regulatory mechanism review/update process, construction site applications for locations in sewersheds draining to 303d/TMDL waters."

Observation 9: At the time of the inspection, WVDOH had not developed a regulatory mechanism or ordinance that addresses stormwater runoff from construction sites. WVDOH representatives stated that they had no true regulatory authority. WVDOH construction contracts, however, contain language mandating compliance with CGP requirements and applicable MS4 Permit requirements and the Division can enforce contract provisions through stop work orders or withholding payment until the construction site is returned to compliance. WVDOH refers unresponsive or recalcitrant contractors to WVDEP for inspection and enforcement.

Permit Part II.C.7.d.7 (Controlling Runoff From Construction Sites) states that "The SWMP will describe educational and training measures for construction site operators including how to prepare a stormwater pollution prevention plan for construction sites discharging to the permittee's MS4."

Observation 10: The WVDOH SWMP does not identify training measures for construction site operators with respect to stormwater pollution prevention (refer to Appendix D, Exhibit 3). The SWMP only states, "The WVDOH will establish a series of training tools for the contractor and the contractors' personnel to address pollution prevention." However, no specifics are provided on the training tools or available resources on stormwater pollution prevention.

Permit Part II.C.7.d.9 (Controlling Runoff From Construction Sites) requires the "following elements shall be incorporated into the construction site run-off program:

(a) Coordination of plan review within the permittee's various departments,
(b) Procedures for inspecting permitted sites during construction to verify proper installation and maintenance of erosion and sediment controls,
(c) Educational and training measures for construction site operators and the permittee's staff, and
(d) An enforcement strategy to respond to issues of non-compliance."

Observation 11: WVDOH had not developed a construction site runoff program that includes the Permit-required elements. Specifically, the Permittee did not have procedures for inspecting permitted sites during construction to verify proper installation and maintenance of erosion and sediment controls. Further,

WVDOH did not have standardized inspection forms for documenting construction site inspections in the various WVDOH districts. WVDOH representatives did state they were in the process of developing a standardized inspection form.

CONSTRUCTION SITES VISITED

The EPA Inspection Team performed inspections at the construction sites listed Table 3 below:

Table 3 – Construction Sites Inspected

Project Name	District	Day Inspected	Address or Lat/Long
Tabler Station-Apple Harvest	5	6/14/2022	39.40619, -78.02564
Inwood Bypass Phase II	5	6/14/2022	39.36273, -78.04488
Tabler Station-Apple Harvest "Waste Site"	5	6/15/2022	39.35659, -78.03443
RHL Boulevard Connector	1	6/28/2022	38.338983, -81.712489
Mileground to Airport Road	4	6/29/2022	39.646389, -79.925

CONSTRUCTION SITE VISIT SPECIFIC OBSERVATIONS

Permit Part II.C.7.d.5 (Controlling Runoff From Construction Sites) states that "the regulatory mechanism shall authorize the permittee to"

(a) Implement erosion and sediment control BMPs that are consistent with West Virginia's Erosion and Sediment Control BMP Manual or other manuals listed in Appendix D,
(b) Require construction site operators to install and maintain adequate erosion and sediment control BMPs to provide protection to receiving waters,
(c) Require construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site,
(d) Demonstrate that registration under the WV/NPDES construction stormwater general permit has been obtained for those sites one acre and greater.
    i. Provided the Department has approved the permittee as a Qualifying Local Program, WVINPDES construction stormwater permit will be issued by the permittee and not by the Department.
(e) Incorporate consideration of potential water quality impacts and review of individual pre-construction site plans to ensure consistency with local and State sediment and erosion control requirements.
(f) Establish authority for receipt and consideration of comments and information submitted by the public.
(g) Establish authority for site inspections and enforcement of control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality."

Observation 12: At the time of the inspection, WVDOH was not always ensuring that the construction site operators were maintaining adequate erosion control,

sediment control, and pollution prevention BMPs at the site. Specifically, the EPA Inspection Team observed the following:

Tabler Station-Apple Harvest

1) The EPA Inspection Team observed several sections of perimeter silt fencing that had holes and gaps in between sections (refer to Appendix C, Photographs 2 through 5).
2) There was a section of the silt fence in which gravel had reached over ½ the height of the fence (refer to Appendix C, Photograph 7).
3) There was a section of the silt fence installed incorrectly. Specifically, the stakes were installed on the inside of the silt fence rather than the downside of the expected flow (refer to Appendix C, Photograph 10).
4) The EPA Inspection Team observed leaking fluid from a parked dump truck (refer to Appendix C, Photograph 12).

Inwood Bypass Phase II

1) The EPA Inspection Team observed check dams and riprap overtaken with straw and sediment (refer to Appendix C, Photographs 13 through 15).
2) A filter sock located in a ditch was not staked or otherwise secured to the ground (refer to Appendix C, Photograph 16).
3) The EPA Inspection Team observed that the construction project that was in Phase II at the time of the inspection appeared to be out of sequence (refer to Appendix C, Photograph 17). Pond A (i.e., "SWM Facility A") appeared to be under construction and undergoing excavating operations at the time of the inspection, yet the project sequencing charts provided by the Department appeared to show that Pond A was required to be constructed during Phase I, Stage Two (refer to Appendix D, Exhibit 6). Specifically, the sequencing chart directs the project to, "EXCAVATE AND GRADE SWM FACILITY A".

RHL Boulevard Connector

1) The EPA Inspection Team observed the stabilized construction entrance to be overladen with sediment (refer to Appendix C, Photographs 76 and 77).
2) The slope on the east side of the site appeared to have erosion channels. (refer to Appendix C, Photograph 78). Erosion channels also were present on a slope in proximity to Davis Creek (refer to Appendix C, Photograph 80).
3) A rock channel in proximity to Pond 1 appeared to have a sloped area that was causing the channel to short circuit (refer to Appendix C, Photograph 79).
4) A bridge being constructed over Davis Creek appeared to have multiple areas where filter socks were punctured and/or overtaken (refer to

Appendix C, Photographs 81-83). The slope above this area appeared to have erosion present (refer to Appendix C, Photograph 84).

Mileground to Airport Road

1) Filter socks along Mileground Road appeared to be in need of maintenance (refer to Appendix C, Photograph 98).
2) An erosion channel was present along Tramore Lane (refer to Appendix C, Photographs 99 and 102)
3) The pond in proximity to Outlet 01 appeared to have erosion channels forming above the inlet pipe (refer to Appendix C, Photograph 100).
4) A stockpile was present by the pond by Outlet 01 that did not appear to have controls (refer to Appendix C, Photograph 101).

MINIMUM CONTROL MEASURE 5: CONTROLLING RUNOFF FROM NEW DEVELOPMENT AND REDEVELOPMENT

WVDOH representatives stated, the DECs and ADECs are predominately responsible for the Controlling Runoff from New Development and Redevelopment program on the district level, with guidance from the Central Office. As part of project planning, WVDOH representatives stated staff rely upon the WVDOH Design Directives, various design manuals, and good engineering practices. WVDOH representatives stated that various personnel can be involved in site plan review including design project managers, the WVDOH Permitting Unit, district construction managers, and the DECs.

Permit Part II.C.7.e.16.m.iv (Controlling Runoff from New Development and Redevelopment) states that the "review, approval and enforcement procedures shall apply to all new development and redevelopment disturbing greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, and shall include…"A requirement for submittal of 'as-built' certifications within 90 days of completion of a project."

Observation 13: At the time of the inspection, WVDOH was not enforcing the submittal of 'as-built" certifications. Although item 19.r of the WVDOH SWMP includes the requirement of having as-builts submitted post-construction (refer to Appendix D, Exhibit 3), WVDOH representatives stated that they do not enforce the as-built requirement and rely on the "approved plans" that were approved by WVDOH staff prior to construction.

Permit Part II.C.7.e.16.n (Controlling Runoff from New Development and Redevelopment) states the permittee "shall require that all developments subject to long-term stormwater controls develop a maintenance agreement and maintenance plan for approved stormwater management practices."

Observation 14: At the time of the inspection, it did not appear that there were maintenance plans in place for every post-construction BMP.

WVDOH District 5 was not requiring maintenance agreement and maintenance plan for approved stormwater management practices. The EPA Inspection team observed six (6) post-construction BMPs in District 5. The EPA Inspection Team requested maintenance plans for these six (6) post-construction BMPs, but none were provided. WVDOH representatives stated that District 5 had no maintenance plans for any of the post-construction BMPs visited. During the field visit, it was unclear what the maintenance requirements were for the observed post-construction BMPs or if the BMPs were functioning as designed.

Permit Part II.C.7.e.16.o (Controlling Runoff from New Development and Redevelopment) states the permittee "shall require that property owners or operators provide verification of maintenance for the approved stormwater management practices."

Permit Part II.C.7.e.16.p (Controlling Runoff from New Development and Redevelopment) states that "Verification shall include one or more of the following as applicable:

i. The owner/developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party; and/or
ii. Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance; and/or
iii. Written conditions in project conditions, covenants and restrictions for residential properties assigning maintenance responsibilities to a homeowner's association or other appropriate group for maintenance of structural and treatment control stormwater management practices; and/or
iv. Any other legally enforceable agreement that assigns permanent responsibility for maintenance of structural or treatment control stormwater management practices.
v. These agreements shall allow the permittee, or designee, to conduct inspections of the stormwater management practices,
vi. The agreement shall account for transfer of responsibility in appropriate legal documents."

Observation 15: At the time of the inspection, WVDOH District 5 may not have been requiring verification of maintenance for post-construction BMPs. As stated above, of the six (6) post-construction BMPs visited by the EPA Inspection Team, five (5) were owned/operated by WVDOH and one rain garden was owned/operated by the City of Martinsburg. However, according to WVDOH representatives, WVDOH was not requiring the City provide documentation of maintenance activities as required by the MS4 Permit. WVDOH representatives stated that the tracking of maintenance is completed through inspections and documentation of corrections by WVDOH staff. At the time of the field visit, the EPA Inspection Team noted that the rain garden BMP needed maintenance. See additional field visit condition information listed below.

Permit Part II.C.7.e.16.r (Controlling Runoff from New Development and Redevelopment) states the permittee "shall utilize a system to track stormwater management practices

at new development and redevelopment projects.

i. Tracking of stormwater management practices shall begin during the plan review and approval process with a database or geographic information system (GIS), or other approved system.
ii. The database or tracking system shall include information on both public and private sector projects that are within the permittee's jurisdiction.
iii. In addition to the standard information collected for all projects (such as project name, owner, location, start/end date, etc.), the tracking system shall also include:
    1) Source control stormwater management practices (type, number, design or performance specifications)
    2) Treatment control stormwater management practices (type, number, design or performance specifications)
    3) Latitude and longitude coordinates of stormwater BMP controls using a global positioning system
    4) Digital photographs of stormwater management practice controls
    5) Maintenance requirements of stormwater management practices (frequency of required maintenance and inspections)
    6) Inspection information (date, findings, follow up activities, compliance status)"

Observation 16: The WVDOH post-construction BMP tracking system may not have included all Permit-required components. WVDOH provided the EPA Inspection Team with a copy of their post-construction BMP inventory which listed fifty (50) post-construction BMPS across the state (refer to Appendix D, Exhibit 7). The list identified which WVDOH district the BMPs were in and provided information on BMP type, county, latitude/longitude, and/or a brief narrative description/comment section. The list may not have included:

- digital photographs of stormwater management practice controls;
- maintenance requirements of stormwater management practices (frequency of required maintenance and inspections); and
- inspection information (date, findings, follow up activities, compliance status).

Permit Part II.C.7.e.16.s (Controlling Runoff from New Development and Redevelopment) states the permittee "shall inspect Stormwater BMPs to determine proper operation and maintenance on the part of the owner/operator.

i. The permittee is to develop an inspection calendar for all stormwater BMPs to be inspected at least once during the permit cycle.
ii. Complete inspection reports shall include:
    1) Facility type,
    2) Inspection date,
    3) Name and signature of inspector,
    4) GIS location and nearest street address,
    5) Management practice ownership information (name, address, phone number, fax, and email),

6) A description of the stormwater BMP condition including the quality of: vegetation and soils; inlet and outlet channels and structures; embankments, slopes, and safety benches; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures,
7) Photographic documentation of all critical stormwater BMP components, and
8) Specific maintenance items or violations that need to be corrected by the owner/operator along with deadlines and reinspection dates."

Observation 17: WVDOH had not developed a formal inspection calendar or enforcement and response plan to ensure all post-construction BMPs are properly maintained in all districts. The EPA Inspection Team did note that BMP inspections are being conducted. Records of BMP inspections were provided by WVDOH for Districts 1, 4, and 5. District 5 representatives stated that they try to inspect all of their BMPs at least annually, which is more frequent than the Permit requirement of once per cycle.

Observation 18: The WVDOH District 5 inspection reports for post-construction BMPs did not include all Permit-required components. During the inspection, the WVDOH provided the EPA Inspection Team with examples of completed inspection reports. The reports observed by the EPA Inspection Team included sections for ownership information, GPS coordinates, and facility type however the information was not completed on all the example inspection forms.

Permit Part II.C.7.e.16.u (Controlling Runoff from New Development and Redevelopment) states the permittee "shall demonstrate compliance with the requirements for post construction controls by summarizing the following in the Annual Report:

i. A description of how the permittee's legal authority addresses the watershed protection elements,
ii. A summary of the number and types of projects that the permittee reviewed for new and redevelopment considerations,
iii. A summary of the number and types of stormwater BMPs approved in new and redevelopment projects, including the number of approved projects that qualified for incentives and or alternatives authorized by this permit,
iv. A summary of the number and types of maintenance agreements approved,
v. A summary of stormwater BMP maintenance inspections conducted by the permittee, including a summary of the number requiring maintenance or repair, the number brought into compliance and the number of enforcement actions taken,
vi. A summary of any evaluation data collected for long-term storm water controls, including water quality information, stormwater BMP performance, and model results."

Observation 19: The WVDOH 2021 Annual Report did not include summaries of all Permit-required post construction controls components (refer to Appendix D, Exhibit 4). The 2021 Annual Report states that "there were 42 permanent storm water control features inspected this year" and that "0" maintenance agreements were approved during the reporting period. However, the 2021 annual report does not provide specifics on how many BMPs were approved, if any of the

inspected BMPs required maintenance or if any enforcement actions that took place, as required by the MS4 Permit.

CONTROLLING RUNOFF FROM NEW DEVELOPMENT AND REDEVELOPMENT SITES VISITED

The EPA Inspection Team performed inspections at the post-construction BMPs listed Table 4 below:

Table 4 – Post-Construction BMPs Inspected

BMP Name	District	Day Inspected	Address or Lat/Long
Baltimore Street Rain Garden	5	6/15/2022	602 Baltimore Street, Martinsburg, WV 24501
Baltimore Street Dry Pond	5	6/15/2022	602 Baltimore Street, Martinsburg, WV 24501
North Raleigh Street Wetland	5	6/15/2022	39.46654, -77.96527
Truck Stop Retention Basin #1	5	6/15/2022	39.53626, -77.91815
Truck Stop Retention Basin #2	5	6/15/2022	39.53548, -77.91885
Inwood Bypass Phase 1 Bioretention Basin	5	6/15/2022	39.35884, -78.03506
Pervious Lot (Smith Street)	1	6/28/2022	38.346749, -81.621169
Dry Detention Pond	4	6/29/2022	39.47226, -80.13503

Permit Part II.C.7.e.1 (Controlling Runoff from New Development and Redevelopment) states that the permittee shall "continue to implement, assess, and enforce an ongoing program to reduce pollutants in stormwater runoff from new development and redevelopment activities."

Permit Part II.C.7.e.6 (Controlling Runoff from New Development and Redevelopment) states that the program "must ensure that controls are in place that will increase groundwater recharge of stormwater runoff where and when possible and protect water quality and reduce the discharge of pollutants."

Observation 20: At the time of the inspection, The EPA Inspection Team observed instances where post-construction BMPs appeared to be in need of maintenance. Specifically, the EPA Inspection Team observed the following:

Baltimore Street Rain Garden

1) At the time of the inspection, appeared to be over-vegetated (refer to Appendix C, Photograph 18).

Truck Stop Retention Basin #1

1) The EPA Inspection Team observed what appeared to be riprap located upgradient to minimize erosion from stormwater flowing towards the

basin. The riprap was mostly buried under sediment condition (refer to Appendix C, Photograph 24).

Truck Stop Retention Basin #2

1) The EPA Inspection Team observed what appeared to be a riprapped channel to minimize erosion flowing towards the basin. The channel riprap contained different sizes of stone and was inundated with sediment condition (refer to Appendix C, Photograph 26).

Inwood Bypass Phase 1 Bioretention Basin

1) The EPA Inspection Team observed that several of the basin pipe inlets were overgrown with vegetation which could impede the free flow of stormwater through these pipes (refer to Appendix C, Photographs 27 and 28). The EPA Inspection Team observed an inlet pipe that had cracked, the broken pieces were visible inside the pipe (refer to Appendix C, Photograph 29).

Pervious lot (Smith Street)

1) The EPA Inspection Team observed a stormwater ditch with an inlet that appeared to have a sink hole forming. WVDOH Representatives stated that this was a separate BMP from the pervious lot (refer to Appendix C, Photograph 73).

Dry Detention Pond

1) The EPA Inspection Team observed was unable to assess this BMP to due to the amount of vegetation which precluded direct observation (refer to Appendix C, Photograph 96).

MINIMUM CONTROL MEASURE 6: POLLUTION PREVENTION & GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS (PPGH)

At the time of the inspection, WVDOH representatives stated, the DECs and ADECs are predominately responsible for the PPGH program on the district level. WVDOH representatives stated that they had a SWPPP for each highway maintenance facility located within the MS4 areas and that these are reviewed annually. WVDOH representatives stated that DECs or ADECs perform quarterly inspections of WVDOH's highway maintenance facilities.

WVDOH developed and implemented a training program to provide annual training to highway maintenance staff which includes information on stormwater issues, including pollution prevention and good housekeeping.

Permit Part II.C.7.f.6 (PPGH) requires the permittee to "track inspections and keep maintenance records for all municipal facilities."

Observation 21: At the time of the inspection, WVDOH did not appear to have a way to track maintenance records for municipal facilities for all Districts.

For District 5's twenty-three (23) municipal facilities, WVDOH representatives stated that their primary method of tracking is via email exchanges, but there is no formal tracking system to ensure that identified maintenance items are addressed.

Permit Part II.C.7.f.7 (PPGH) requires the SWMP to "describe policies and procedures the permittee will utilize to reduce the discharge of pollutants in storm water runoff from all lands owned or maintained by the permittee and subject to this permit, including but not limited to: parks, open space, road right-of-way, maintenance yards, water/sewer infrastructure and stormwater treatment and flow practices.

(a) These policies and procedures shall include, but not be limited to, the following topics,
   i. Application of fertilizer, pesticides, and herbicides including the development of nutrient management and integrated pest management plans,
   ii. Sediment and erosion control,
   iii. Landscape maintenance and vegetation disposal,
   iv. Trash management,
   v. Building exterior cleaning and maintenance,
   vi. Chemical and material storage,
   vii. Street sweeping and inlet/catch basin cleaning,"

Observation 22: The WVDOH SWMP does not contain specific procedures for sediment and erosion control, landscape maintenance and vegetation disposal, and chemical and material storage for or from "all lands owned or maintained by the permittee" (refer to Appendix D, Exhibit 3). Item 20.n of the SWMP addresses the maintenance topics but only states that WVDOH practices are "performed at our facilities as needed and in compliance with applicable laws and standards" or are "in compliance with applicable laws and permit conditions." The SWMP does not outline any further detailed policies and procedure implemented by WVDOH.

Permit Part II.C.7.f.16 (PPGH) requires the SWMP to "contain a benchmark monitoring plan for stormwater discharged from facilities or locations of municipal industrial activities."

Observation 23: The WVDOH SWMP does not appear to contain any reference to a benchmark monitoring plan for stormwater discharges from facilities owned and operated by WVDOH.

POLLUTION PREVENTION & GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS (PPGH) SITES VISITED

The EPA Inspection Team performed inspections at the municipal facilities listed in Table 5 below:

Table 5 – Municipal Facilities

Municipal Facility Names	District	Day Inspected	Address or Lat/Long
District 5 Highway Maintenance Facility/Berkeley County HQ	5	6/14/2022	1867 Rock Cliff Drive, Martinsburg, WV 24501
North Charleston HQ	1	6/28/2022	2800 W Washington St, Charleston, WV 25387
Marion Co. HQ (Route 19 Spur)	4	6/29/2022	915-999 W Fork River Trail, Fairmont, WV 26554

Permit Part II.C.7.f.1 (PPGH) requires the permittee to "continue to implement good housekeeping and operation and maintenance programs at municipal facilities, including waste water treatment facilities, potable drinking water facilities, municipal fleet operations, maintenance garages, parks and recreation areas, street and infrastructure maintenance, and grounds maintenance operations."

Permit Part II.C.7.f.3 (PPGH) states that "the goal of these programs shall be to prevent or reduce polluted runoff from municipal operations".

Observation 24: The EPA Inspection Team observed the following housekeeping and operation and maintenance issues at municipal yards owned and operated by the Permittee:

District 5 Highway Maintenance Facility/Berkeley County HQ

1) Mulch, aggregate, and salt storage is located the western portion of the Maintenance Facility (refer to Appendix C, Photographs 38 and 39). Containment was not provided for the aggregate and mulch storage areas.
2) No spill kits were observed in the vicinity of the dual, double-walled 20,000-gallon AST (refer to Appendix C, Photograph 48).
3) Sheening was observed on the stormwater pooled outside the salt storage building potentially from petroleum products (refer to Appendix C, Photograph 41).

North Charleston HQ

1) Various materials stored onsite, BMPs, and stormwater conveyances were not included on the facility's map (refer to Appendix C, Photograph 49), including:
   a. A tank labeled "Grease Buster Cherry" was located outside the garage and not noted on the facility's map (refer to Appendix C, Photograph 50).
   b. The Spreader Hanger as noted on the facility's map was being used to store unknown material piles (refer to Appendix C, Photograph 61).
   c. A stormwater drain, and the associated conveyance structures, were not included on the facility's map (refer to Appendix C, Photograph 65).
   d. A rock channel BMP was not listed on the facility's map (refer to Appendix C, Photograph 67).
2) Staining was located outside the garage (refer to Appendix C, Photographs 51-53).
3) Abrasives were being stored outside the salt shed without containment and in proximity to a stormwater conveyance ditch (refer to Appendix C, Photographs 54, 58, and 59).
4) A dumpster onsite by the salt storage was uncovered (refer to Appendix C, Photograph 56).
5) The salt storage shed appeared to have gaps along the side walls and roof which could allow for stormwater penetration (refer to Appendix C, Photographs 57 and 70).
6) Lubricants were stored outside (refer to Appendix C, Photograph 60).
7) The materials being stored in the Spreader Hanger appeared to be leaking from the rear of the structure (refer to Appendix C, Photograph 62).
8) A pesticide container was located outside of secondary containment (refer to Appendix C, Photograph 63).
9) A dumpster onsite was leaking (refer to Appendix C, Photograph 64).
10) A channel of water was actively flowing through the site at the time of the inspection. Facility representatives stated it was likely spring water.

The water appeared to be comingling with salt from the salt storage shed (refer to Appendix C, Photograph 66).

11) The rock channel BMP in proximity to Outfall 011 appeared to have rocks that were overtaken with sediment (refer to Appendix C, Photographs 68 and 69).

Marion Co. HQ (Route 19 Spur)

1) Various materials stored onsite, BMPs, and stormwater conveyances were not included on the facility's map (refer to Appendix C, Photographs 85 and 86), including:
   a. A trench drain in in front of the maintenance shop was not on the facility's map (refer to Appendix C, Photograph 87).
   b. Cold mix was being stored in the Spreader Box Storage (refer to Appendix C, Photograph 88).
   c. A drain was not present facility's map (refer to Appendix C, Photograph 89).
   d. A rock channel was not present on the facility's map (refer to Appendix C, Photograph 90).
   e. A drain was present in front of the maintenance building that did not appear to be on the facility map (refer to Appendix C, Photograph 95).
2) Salt staining was present on the ground outside the salt storage shed (refer to Appendix C, Photograph 91).
3) The salt storage shed appeared to have buckling supports in the rear of the building (refer to Appendix C, Photograph 92).
4) A dumpster was uncovered (refer to Appendix C, Photograph 93).
5) Various material stockpiles were observed on the western perimeter of the site without any containment (refer to Appendix C, Photograph 94).