

EPA Construction Site Inspections in Central Iowa Result in NPDES Violations

The U.S. Environmental Protection Agency (EPA) has delegated authority to the Department of Natural Resources (IDNR) to administer the National Pollutant Discharge Elimination System (NPDES) program in Iowa. However, the EPA maintains concurrent enforcement authority and will perform random site inspections of developments, municipal operations and other construction activities.

The EPA has issued 13 separate construction site NPDES location violations in Iowa in the past two years, several of which were conducted this past April in and around the Des Moines Metro area. Funding for these inspections has been established until 2007; therefore, it is likely that the EPA will be diligent in their efforts to catch violators.

After a site inspection has been performed and violations are found, the EPA sends a detailed inspection report along with an Administrative Compliance Order (ACO) to both the offending entity and the IDNR Storm Water Program Coordinator. The company has thirty (30) days to correct the violations and come into compliance with all of the applicable requirements of the NPDES permit, in addition to submitting a report detailing the corrections made and why the corrections are sufficient.

Each violation carries a financial penalty. Depending on the extent and duration of the violations, the EPA may include an "Expedited Storm Water Settlement Agreement" in an effort to quickly resolve the penalty amount and bring the company into compliance. The terms of the Settlement Agreement involve coming into compliance as stated in the previous paragraph, in addition to signing the agreement and paying the proposed penalty (which is usually lower than would normally be assessed by the EPA). Penalty amounts assessed for some of the violations this past spring ranged from \$500 to \$750,000.

The EPA will then solicit public comments regarding the settlement, which may impact the outcome of the settlement. If public comments do not impact the settlement, the EPA will sign the Expedited Settlement Agreement and file it with the Regional Hearing Clerk. If the Settlement Agreement is not returned within thirty (30) days, the EPA will assume the offer has been rejected and may then proceed with an enforcement action seeking *standard* penalty amounts for each violation.

Standard civil penalties for NPDES violations range from \$32,500 (Class I) up to \$157,500 (Class II) in administrative cases, or up to \$32,500 per day in judicial cases.

If the EPA does not find that the entity has complied or that the violations warrant an Expedited Storm Water Settlement Agreement, they will then take enforcement action. In this case, a Notice of Administrative Order and Notice of Proposed Civil Penalty & Opportunity for Negotiations will be sent to the company. This will include a complaint with a proposed penalty and an opportunity to request a hearing.

In one such case, a company was given a proposed fine of \$11,000 per day (up to a maximum of \$137,500) for failure to obtain an NPDES permit prior to construction and consequently discharging pollutants without a permit for 36 months.

Other common violations include:

- Stormwater Pollution Prevention Plan (SWPPP) does not identify all potential sources of pollution.
- SWPPP does not have a description of measures that will be installed during the construction process to control pollutants in stormwater discharges that will occur AFTER construction operations have been completed.
- Copy of permit and/or NOI not in SWPPP.
- SWPPP not signed/certified.
- Entrance/exit not inspected for off-site tracking.
- No velocity dissipation devices located at discharge locations or outfall channels to ensure non-erosive flow to receiving water.
- SWPPP does not identify all operators for the project site and the areas of the site over which each operator has control.
- Litter, construction debris, and construction chemicals exposed to stormwater are not prevented from becoming a pollutant source (e.g. screening outfalls, pickup daily, etc.).
- SWPPP does not describe measures to minimize off-site vehicle tracking and generation of dust.

In order to prevent being fined for NPDES permit violations, it is imperative that you obtain the applicable permits and have stormwater pollution prevention plans (SWPPP) BEFORE initiating construction. From then on, you need to stay in compliance by being aware of what is required.

For information on NPDES compliance, please go to the IDNR's website at <http://www.iowadnr.com/water/stormwater/index.html>. IAMU's website www.iamu.org provides additional information on stormwater management, click on *Stormwater*. Look for upcoming compliance workshops in 2005, including the Annual Stormwater Conference to be held April 5-6 in Des Moines.



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Search Results (EPA Enforcement Cases)



Data
Dictionary

45 Cases Returned

◀ New Search

Case Number	Case Name	Case Type	Primary Law/Section	Filed/Issued	Settlement Date	Federal Penalty Assessed	SEP Amount
▼ ▲	▼ ▲	▼ ▲	▼ ▲	▼ ▲	▼ ▲	▼ ▲	▼ ▲
07-1899-0267	DES MOINES TCE SUPERFUND SITE, DES MOINES, IA Case Report Facility Report	Administrative - Formal	CERCLA/104E4	09/01/1999	09/01/1999		
07-2001-0265	MIDAMERICAN ENERGY COMPANY Case Report Facility Report	Administrative - Formal	TSCA/6-PCBS		09/20/2001		
07-2002-0009	CHROME REFLECTIONS Case Report Facility Report	Administrative - Formal	CAA/112	12/05/2001	12/05/2001		
07-2002-0012	FORMER DILLER BATTERY SITE Case Report Facility Report	Administrative - Formal	CERCLA/106A	11/14/2001	11/14/2001		
07-2002-0113	SMITTY'S AUTO SALVAGE Case Report Facility Report	Administrative - Formal	CAA/608	04/10/2002	04/10/2002		
07-2002-0157	WATER CREATIONS, INC Case Report Facility Report	Administrative - Formal	FIFRA/12A1A	06/03/2002	08/29/2002	\$25,500	
HQ-2000-0155	UNITED AIRLINES Case Report Facility Report	Administrative - Formal	CAA/211	08/26/2002	08/26/2002	\$750,000	\$240,000
HQ-2001-7001	SAFETY-KLEEN CORP., ET AL Case Report Facility Report	Administrative - Formal	RCRA/3004	08/25/2000	05/18/2001	\$409,048	
07-2002-0243	INGERSOLL ACADIAN PARTNERS; AND RICHARD HICKMAN Case Report Facility Report	Administrative - Formal	TSCA/409	09/17/2002	09/17/2002	\$1,700	\$5,100
07-2003-0014	WINDSOR TERRACE, LC D/B/A WINDSOR TERRACE APARTMENTS Case Report Facility Report	Administrative - Formal	TSCA/409	11/18/2002	02/07/2003	\$4,620	
07-2003-0023	GOLDMARK PROPERTY MANAGEMENT, INC Case Report Facility Report	Administrative - Formal	TSCA/409	12/04/2002	09/17/2003	\$1,725	
07-2003-0082	GLACIER PROPERTIES LC D/B/A CREST MANOR APARTMENTS Case Report Facility Report	Administrative - Formal	TSCA/409	02/11/2003	03/11/2003	\$6,600	
07-2003-0075	EMCO ENTERPRISES, INC Case Report Facility Report	Administrative - Formal	RCRA/3005	03/21/2003	03/21/2003	\$7,624	
07-2003-0130	KIRBY MUSIC Case Report Facility Report	Administrative - Formal	TSCA/16A4	05/15/2003	05/15/2003	\$500	
07-2003-0132	FIRST CHOICE HEATING & COOLING, INC Case Report Facility Report	Administrative - Formal	CAA/114	05/19/2003			
07-2003-0144	RAILROAD AVENUE SUPERFUND SITE - SOUTHERN PLUME Case Report Facility Report	Administrative - Formal	CERCLA/107A	05/29/2003	05/29/2003		
07-2003-0160	RANDOLPH INVESTMENT COMPANY D/B/A GRAND TREES APARTMENTS	Administrative - Formal	TSCA/409	06/13/2003	06/13/2003	\$7,700	

	<u>Case Report Facility Report</u>						
07-2003-0197	DES MOINES TCE SUPERFUND SITE <u>Case Report Facility Report</u>	Administrative - Formal	CERCLA/122G	07/07/2003	07/07/2003		
07-2003-0198	RICHARD H HICKMAN D/B/A HICKMAN PROPERTIES <u>Case Report Facility Report</u>	Administrative - Formal	TSCA/409	07/22/2003	07/22/2003	\$7,700	
08-2003-0184	Hawkeye Woodshaving, Inc. <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/311B	09/10/2003	09/10/2003	\$500	
07-2003-0349	ARCHER DANIEL MIDLAND COMPANY <u>Case Report Facility Report</u>	Judicial	CAA/110	04/09/2003	08/21/2003	\$672,234	\$281,395
07-2004-0007	STEPHEN K BRUCE <u>Case Report Facility Report</u>	Administrative - Formal	TSCA/409	10/06/2003	03/29/2004	\$1,540	
07-2004-0064	DRAKE PARK MANAGEMENT CO, INC <u>Case Report Facility Report</u>	Administrative - Formal	TSCA/409	01/16/2004	01/16/2004	\$6,160	
07-2004-0083	EXECUTIVE 1 AVIATION, INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	02/10/2004	02/10/2004	\$1,050	
07-2004-0110	BRAD'S HOME REPAIR SERVICE <u>Case Report Facility Report</u>	Administrative - Formal	CAA/609		02/04/2004		
07-2004-0109	COOPER'S REPAIR <u>Case Report Facility Report</u>	Administrative - Formal	CAA/609	02/04/2004	02/04/2004		
07-2004-0102	BARTON SOLVENTS <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	02/27/2004	02/27/2004	\$600	
07-2004-0115	WARREN PROPERTIES, INC <u>Case Report Facility Report</u>	Administrative - Formal	TSCA/409	03/08/2004	03/08/2004	\$6,160	
07-2004-0156	POLK COUNTY PUBLIC WORKS <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	04/16/2004	04/16/2004	\$1,800	
07-2004-0172	KECK INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	05/04/2004	05/04/2004	\$1,400	
07-2004-0215	TIMBERLAND PARTNERS MANAGEMENT COMPANY <u>Case Report Facility Report</u>	Administrative - Formal	TSCA/409	06/25/2004	06/25/2004	\$4,400	
07-2004-0241	HEARTLAND COOPERATIVE <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	07/26/2004	07/26/2004	\$600	
07-2004-0240	UNITED FARMERS MERCANTILE COOP <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	07/26/2004	07/26/2004	\$2,150	
07-2004-0242	STEPHEN R GRUBB CONSTRUCTION, INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	07/15/2004	07/15/2004		
07-2004-0250	ROTTLUND HOMES OF IOWA, INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	08/03/2004	08/03/2004		
07-2004-0251	AMERUS LAND DEVELOPMENT, INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	08/03/2004	08/03/2004		
07-2004-0267	ANNETT HOLDINGS, INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/311J	08/10/2004	08/10/2004	\$2,200	
07-2004-0276	SOMERSBY GROUP, LC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	09/07/2004	09/07/2004		
07-2004-0278	STUBBS AND SONS, INC <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	09/07/2004	09/07/2004		
07-2004-0353	EDGEWATER 1 TOTAL QUALITY FITNESS <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	09/30/2004	09/30/2004		
07-2004-0352	EDGEWATER 1 TOTAL QUALITY FITNESS <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	09/30/2004			
07-2004-0357	SAWGRASS TOWNHOMES <u>Case Report Facility Report</u>	Administrative - Formal	CWA/301/402	09/30/2004			
07-2004-	SAWGRASS TOWNHOMES	Administrative -	CWA/301/402	09/30/2004	09/30/2004		

0356	Case Report Facility Report	Formal					
07-2004-0358	BEAVERBROOKE DEVELOPMENT COMPANY Case Report Facility Report	Administrative - Formal	CWA/301/402	09/30/2004			
07-2004-0347	BEAVERBROOKE DEVELOPMENT COMPANY Case Report Facility Report	Administrative - Formal	CWA/301/402	09/30/2004	09/30/2004		

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Search Criteria

Facility Characteristics

Facility Geographic Location

[County: IA153](#)

Enforcement Case Identifiers

[Case Category : JDC AFR](#)

Enforcement Case Milestone Dates

[Judicial : CMF FOE CONCJ](#)

[Administrative : CPOA CAFO CLSA](#)

[Fiscal Year: 2001 2002 2003 2004](#)

Enforcement Case Attributes

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