



Expedited Settlement Offer Worksheet
Findings and Alleged Violations
Version: 2023 Construction Stormwater ESA

LEGAL NAME AND MAILING ADDRESS OF OPERATOR		NPDES Permit Number:	SDR10I02I			
1	South Dakota Department of Transportation	Inspector Agency:	U.S. EPA, Region 8			
	Mobridge Area Office	Entrance Interview Conducted:	Yes			
	2311 W. Highway 12	Exit Interview Conducted:	Yes			
	Mobridge, South Dakota 57601	Exit Interview time:	17:00	Date:	June 27, 2023	
	(605) 845-3844					
LOCATION AND ADDRESS OF SITE						
2	SDDOT Project No. NH-B 0212(184)143; Project Control No. 04XG					
	U.S. Highway 212 between Station 12+70 and Station 81+00					
	~1.7 road miles west of Lantry, South Dakota (Dewey County) 45.027822, -101.457500					
FACILITY DESCRIPTION / CONTACT NAMES						
3	Name of Site Contact (ESO Worksheet recipient):	See inspection report				
	Name of Authorized Official (40 CFR 122.22):	See inspection report				
	Inspection Date:	June 27, 2023				
	Start Construction Date:	~October 27, 2022				
	Estimated Completion Construction Date:	November 2023				
	If Unpermitted, Number of Months Unpermitted:	N/A - permitted				
	Name of Receiving Water Body (Indicate whether 303(d) listed):	Little Bear Creek (no 303(d) listing identified)				
	Acres Disturbed	28				
	Acres for Whole Common Plan:	N/A - not common plan				
	Has Operator Requested Rainfall Erosivity or TMDL Waiver per 44 CFR 122.26(b)(15)?	No				
PERMIT COVERAGE	CGP Citation	RCA*	No. of Alleged Violations	Penalty Amount	Total	
4	Operator discharged stormwater without a permit on one or more days during _____ months (# of months with an unauthorized discharge equals number of violations)	CWA 301			\$600.00	\$0
USE OF CATIONIC TREATMENT CHEMICALS (WHERE APPLICABLE)						
5	Proper notice was not provided for use of cationic treatment chemicals prior to submittal of the NOI. NOTE that this applies only to the failure to provide notice in the absence of a discharge to a storm drain or water.	1.1.9			\$300.00	\$0
POST NOTICE OF PERMIT COVERAGE						
6	A Sign/notice not posted as required. (If no sign/notice posted, leave element B blank.)	1.5			\$300.00	\$0
	B Sign/Notice was missing one or more elements required by the Permit. (Count each omission under B as one violation.)	1.5.a-d			\$60.00	\$0
SWPPP REVIEW						
7	No SWPPP prepared at time of inspection. (If no SWPPP, leave elements 8 - 21 blank)	7.1			\$6,000.00	\$0
8	SWPPP prepared after construction start (# of months = # of violations with a maximum penalty of \$6,000). NOTE that elements 9 - 21 only apply to the months when the operator had a SWPPP. The maximum penalty for all SWPPP violations is \$6,000.	7.1			\$1,000.00	\$0
9	A SWPPP does not list all operators for the project site and the areas of the site over which each operator has control.	7.2.1			\$600.00	\$0
	B SWPPP does not identify stormwater team and respective responsibilities.	7.2.2			\$300.00	\$0
10	SWPPP does not include:					
	A Description of the nature of construction activities.	7.2.3.a			\$120.00	\$0
	B The size of the property; the total area expected to be disturbed by the construction activities; the maximum area expected to be disturbed at any one time including onsite and offsite construction support activity areas.	7.2.3 b, c, e			\$120.00	\$0
	C A description of any onsite/offsite construction support activities.	7.2.3.d			\$600.00	\$0
	D A description and projected schedule for each portion of the site that includes all elements/dates required by the Permit. (Count each omitted category as one violation.)	7.2.3.f			\$300.00	\$0
	E A list and description of all pollutant-generating activities.	7.2.3.g			\$300.00	\$0
9	F Public Emergencies: Required information for public emergency situations. NOTE that operator has 30 days to complete SWPPP after commencing construction.	7.2.3.i & 1.4			\$300.00	\$0
11	Site Map					
	A Site map not included in SWPPP.	7.2.4			\$600.00	\$0
B Site map does not include all elements required by the Permit. (Count each omission as one violation up to \$600.)	7.2.4.a-j			\$60.00	\$0	
12	SWPPP does not:					
	A Identify all authorized non-storm water discharges that will or may occur.	7.2.5			\$600.00	\$0
	B Describe the specific controls to be implemented to meet the effluent limits for erosion and sediment controls. (Count one violation for each missing control measure up to a maximum of \$900.)	7.2.6., 2.2			\$300.00	\$0
	For each specific erosion and sediment control identified in the SWPPP, include all information required by the Permit. (Count 1 violation for each control with incomplete information.)	7.2.6			\$100.00	\$0
	C Describe the specific controls to be implemented to meet the effluent limits for pollution prevention. (Count one violation for each missing control measure up to a maximum of \$900.)	7.2.6, 2.3			\$300.00	\$0
For each specific pollution prevention control measure identified in the SWPPP, include all information required by the Permit. (Count each control with incomplete information as 1 violation.)	7.2.6			\$100.00	\$0	
D Describe the specific controls to be implemented to meet the effluent limits for construction	7.2.6, 2.4			\$300.00	\$0	

		For each specific dewatering control measure identified in the SWPPP, include all information required by the Permit. (Count each control with incomplete information as 1 violation.)	7.2.6						
	E	Document for sites affected by unforeseen circumstances that delay initiation and/or completion of Vegetative Stabilization: the circumstances and the schedule for initiating and completing	7.2.6.b.vi (d); 2.2.14					\$300.00	\$0
13	A	SWPPP does not describe the procedures for Inspection, Maintenance and Corrective Action.	7.2.7; 2.1.4; 4; 5					\$600.00	\$0
	B	Description of Inspection, Maintenance and Corrective Action procedures does not include all information required by the Permit. (Count each applicable omission as one violation.)	7.2.7.a-d					\$120.00	\$0
14		SWPPP does not include documentation that required personnel were, or will be, trained in accordance with Permit requirements.	7.2.8; 6					\$300.00	\$0
15		Threatened and Endangered Species Act documentation is not included in SWPPP.	7.2.8.a					\$600.00	\$0
16		Historic Properties documentation is not included in SWPPP.	7.2.8.b					\$600.00	\$0
17		SWPPP does not document contacts, where applicable, with UIC regulatory authority regarding compliance with SDWA UIC Requirements for Certain Subsurface Stormwater Controls.	7.2.8.c					\$600.00	\$0
18		SWPPP not signed/dated/certified.	7.2.9					\$600.00	\$0
19		Copy of NOI and relevant correspondence, acknowledgement letter received from NeT, or Permit (can be electronic) not included as part of SWPPP. (Count each omission as one violation.)	7.2.10 a- c					\$300.00	\$0
20		Copy of SWPPP is not retained on site or otherwise easily accessible.	7.3					\$600.00	\$0
21	A	SWPPP (including site map) has not been updated/modified as required by the Permit. (Count each omission as one violation.)	7.4.1					\$60.00	\$0
	B	SWPPP modifications do not meet record keeping, approval or notification requirements. (Count each omission as 1 violation.)	7.4.2; 7.4.3; 7.4.4					\$60.00	\$0
		INSPECTIONS							
22	A	Number of Inspections required if performed every 7 days:							
	B	Number of Inspections required if performed every 14 days:							
	C	If known, and if applicable, number of days of rainfall of > 0.25" :							
	D	Number of inspections required under a reduced frequency							
	E	TOTAL number of required inspections							
	F	TOTAL number of inspections conducted/documented							
23	A	All required inspections were not conducted and timely documented. (If NO inspections were conducted and documented, then leave elements 24-28 blank)						True or False	
	B	Inspections not performed and timely documented. (Count each failure to inspect and document as one violation.)	4.2 - 4.4; 4.7.1					\$300.00	\$0
24		Inspections not conducted by qualified personnel. (Count each inspection conducted without qualified personnel as one violation.)	4.1					\$60.00	\$0
25		Areas to be inspected: Failed to inspect all required areas as identified in the Permit. (Count each omission as one violation.)	4.5; 4.6.1					\$60.00	\$0
26		Site inspection report does not include all information required by the Permit. (Count each omission as one violation.)	4.7.1.a -e					\$60.00	\$0
27	A	Inspection reports not properly signed/certified. (Count each failure to sign/certify as one violation.)	4.7.2					\$60.00	\$0
	B	Copies of inspection reports have not been retained onsite or at easily accessible location.	4.7.3; 4.7.4					\$600.00	\$0
		BEST MANAGEMENT PRACTICES							
28		General Maintenance Requirements:							
	A	Failure to ensure that all stormwater controls are maintained and remain in effective operating condition (i.e., all routine maintenance and corrective actions are performed within the timeframes required by the Permit). (Count each failure to timely maintain each control as one violation.)	2.1.4; 2.2; 5.2		1	x		\$300.00	\$300
	B	Failure to complete a Corrective Action report when required in accordance with Permit requirements. (Count each missing/deficient report as 1 violation.)	5.4.1, 5.4.2, 5.4.4					\$300.00	\$0
	C	Corrective Action Reports not properly signed. (Count each failure to sign as one violation.)	5.4.3					\$60.00	\$0
		Control measures are not properly selected, installed or maintained:							
29		Failure to provide a 50-ft undisturbed natural buffer or equivalent erosion and sediment control when a water of the US is located within 50 feet of the site's earth disturbances. (Count each failure as one violation.)	2.2.1		2	x		\$600.00	\$1,200
30		Failure to direct stormwater to vegetated areas to maximize infiltration and filtering (unless infeasible). (Count each failure as one violation.)	2.2.2					\$600.00	\$0
31		Failure to install sediment controls along all perimeter areas of the site that will receive pollutant discharges (or, for linear construction sites where such controls are infeasible, to implement other appropriate practices). (Count each failure as one violation.)							
	A	If Common Drainage is 10+ acres	2.2.3					\$1,200.00	\$0
	B	If Common Drainage is less than 10 acres	2.2.3					\$600.00	\$0
32		Failure to minimize sediment trackout in accordance with Permit requirements. (Count each failure as one violation.)	2.2.4.a-d					\$600.00	\$0
33		Failure to properly manage stockpiles or land clearing debris piles composed of sediment and/or soil. (Count each failure as one violation.)	2.2.5.a-d		1	x		\$600.00	\$600
34		Failure to minimize dust through appropriate application of water or other dust suppression techniques. (Count each failure as one violation.)	2.2.6					\$600.00	\$0
35		Failure to minimize disturbances of "steep slopes". (Count each failure as one violation.)	2.2.7					\$600.00	\$0
36		Failure to preserve native topsoil (unless infeasible). (Count each failure as one violation.)	2.2.8					\$600.00	\$0
37		Failure to minimize soil compaction in areas where final vegetative stabilization will occur or where infiltration practices will be installed. (Count each failure as one violation.)	2.2.9					\$600.00	\$0
38		Failure to protect storm drain inlets by installing inlet protection measures that remove sediment from discharges prior to entry into a storm drain inlet. (Count each failure as one violation.)	2.2.10.a					\$600.00	\$0
39		Failure to use erosion controls and velocity dissipation devices within and along the length of any stormwater conveyance channel and at any outlet to slow down runoff to minimize erosion. (Count each failure as one violation.)	2.2.11					\$600.00	\$0
40		Failure to properly design or locate sediment basin or similar impoundment in accordance with Permit requirements. (Count each failure as one violation.)	2.2.12.a-e					\$1,200.00	\$0
41		Failure to comply with Permit requirements for use of treatment chemicals. (Count each failure as one violation.)	2.2.13.a-f					\$200.00	\$0
42		Failure to initiate and complete stabilization measures within the deadlines required by the Permit. (Count each failure as one violation.)	2.2.14.a					\$600.00	\$0
43		Final Stabilization Criteria not achieved as required.	2.2.14.c					\$1,200.00	\$0

44	Other needed control measures not properly selected or installed. (Each omission is 1 violation.)	2.1				\$600.00	\$0
Pollution Prevention Requirements							
45	Failure to provide effective controls for equipment and vehicle fueling and maintenance activities. (Count each failure as one violation.)	2.3.1.a-f				\$600.00	\$0
46	Failure to effectively minimize the discharge of pollutants from equipment and vehicle washing. (Count each failure as one violation.) NOTE that discharges of soaps, solvents or detergents to a storm drain or receiving water are not eligible for an ESA.	1.2.2; 2.3.2.a-c				\$600.00	\$0
47	Failure to implement appropriate controls to prevent/minimize the discharge of pollutants from any of the following: building materials/products; landscaping chemicals and materials; petroleum products and other chemicals; hazardous and toxic waste; construction and domestic wastes; and/or sanitary wastes. (Count each failure as one violation.) NOTE that any nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.	2.3.3.a-f				\$600.00	\$0
48	Failure to provide effective controls for concrete washout. NOTE that nonallowable, non-stormwater discharges to a storm drain or water are not eligible for an ESA.	2.3.4.a-c				\$1,000.00	
49	Failure to provide effective controls for washing applicators/containers for stucco, paint, form release oils, curing compounds or other materials. (Count each failure as one violation.) NOTE that nonallowable, non-stormwater discharges to a storm drain or receiving water are not eligible for an ESA.	2.3.4.a-c				\$600.00	\$0
50	Failure to comply with requirements for application of fertilizers.	2.3.5.a-f				\$600.00	\$0
51	Failure to comply with Permit requirements for construction dewatering in order to minimize the discharge of pollutants. (Count each failure as 1 violation.) Use of waters of the US as part of the treatment area is not eligible for an ESA.	2.4				\$600.00	\$0
SMALL BUSINESS EVALUATION							
Is the Owner/Operator a Small Business?							Yes or No
52	A <i>small business</i> is defined by EPA's Small Business Compliance Policy as: "a person, corporation, partnership, or other entity that employs 100 or fewer individuals (across all facilities and operations owned by the small business)." The number of employees should be considered as full-time equivalents on an annual basis, including contract employees (see 40 CFR 372.3). A full time employee unit is 2000 hours worked per year.						No
Subtotal Expedited Settlement Penalty (w/o Adjustments):							\$2,100
ADJUSTMENT FOR A REPEAT VIOLATOR							
53	Repeat Violator: To adjust the settlement amount for Repeat Violators, multiple the Total Expedited Settlement Amount by the appropriate Escalation Factor. To do that, enter either 0.25 or 0.5 into Column G, as appropriate. <u>If this is not a Repeat Violator, leave this row blank.</u>						
Total Expedited Settlement Penalty (w/Adjustments):							\$2,100

*RCA: Requires Corrective Action