** Notice of Potential Violation of the** ITD 2790 (Rev. 01-14)

 **Construction General Permit (CGP) or** itd.idaho.gov

 **Notice of Prohibited Discharge**

Send completed form to **HQ ENV SWPP**

|  |  |  |
| --- | --- | --- |
| Form Completed By | Organization Name | Date Completed |
|       |       |       |

**Part 1 – Project Information**

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| --- | --- | --- | --- |
| Key Number | Project Name | District | Region (if applicable) |
|       |       |   |       |
| ITD NPDES Permit Number | ITD Project Inspector’s Name | Resident Engineer’s Name |
| IDR12      |       |       |
| Project WPCM’s Name | Prime Contractor’s Name |
|       |       |
| Contractor NPDES Permit Number |
| IDR12      |

**Part 2 – Construction General Permit (CGP) Potential Violation Information**

- ITD Must Report any Permit noncompliance which may endanger health or the environment to EPA verbally within 24 hours of discovery and in writing within 5 days of discovery per CGP Appendix I.12.

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| --- | --- | --- | --- |
| Key Number | Date Potential Violation Occurred | Date District Aware of Potential Violation | Date Corrective Action Taken to Resolve Issue |
|  |       |       |       |
| ITD 2802 Insp. Number Documenting Issue | Date Headquarters Environmental Made Aware of Issue | Date HQ Environmental Informed EPA of Issue |
|       |       | Completed by HQ ENV       |

**Part 2A – Reason for Potential Violation and/or Incident Description**

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**Part 2B – Provision of CGP Potentially Violated**

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**Part 2C – Steps Taken to Fix or Resolve Potential Violation of CGP**

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**Part 2D – Party Deemed Responsible for Potential Violation**

- Project Resident Engineer or Assistant District Engineer determines responsible party

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| --- |
| Determination of Responsible Party |
| [ ]  ITD [ ]  Contractor [ ]  Subcontractor [ ]  To be Determined |
| Explanation |
|       |

Photo Documentation (if applicable): Yes [ ]  No [ ]

Weather Information (if applicable):

**Part 3 – Prohibited Discharge Information**

|  |  |  |
| --- | --- | --- |
| Date Discharge Occurred | Date District Aware of Discharge | Name of Water Body Receiving Stormwater or Pollutant Discharge |
|       |       |       |
| Date Corrective Action Taken to Resolve Discharge Impacts | ITD 2802 Insp. # Documenting Discharge | Water Body Receiving Discharge Has TMDL |
|       |       | [ ]  Yes [ ]  No |
| Turbidity Was Tested During the Discharge | Water Quality Samples Were Collected During the Discharge |
| [ ]  Yes [ ]  No | [ ]  Yes [ ]  No |
| Date Headquarters Environmental Made Aware of Issue | Date HQ Environmental Informed EPA of Issue |
|       | Completed by HQ ENV       |

Discharges requiring reporting include the following:

* Stormwater discharges from a disturbed area to a waterway or storm drain without treatment by a combination of erosion and sediment control BMPs.
* Stormwater discharges to a waterway or storm drain system where the control measures (BMPs) have been overwhelmed, not properly installed, or not properly maintained.
* Discharges where water quality sampling results indicate levels of turbidity exceeded State Water Quality Standards per IDAPA 58.01.02 (greater than 50 NTU above background levels instantaneously or 25 NTU for more than ten (10) consecutive days) in the water body sampled.
* Any discharge identified in Part 2.3.1of the CGP
* Non-stormwater discharges other than those listed in Section 1.3 of the CGP.
* Discharges of hazardous substances above reportable quantities in Part 2.3.4 of CGP.
* Any other discharges that may endanger human health or the environment.

**Part 3A – Steps Taken to Fix or Resolve Discharge or Impacts of Discharge**

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Photo Documentation (if applicable): Yes [ ]  No [ ]

Weather Information (if applicable):

**Construction General Permit Potential Violation Reporting**

**and Prohibited Discharge Reporting Protocol**

**Reporting Requirements**

**Part I.12.6 in Appendix I of the 2012 Construction General Permit** (CGP) states *“You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you became aware of the circumstances. A written submission must also be provided within five days of the time you became aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.”*

This form, ITD 2790, was created to fulfill the requirement ITD has to provide a written report of any potential violation of the CGP within five days of discovery. The purpose of this form is to:

* Promote consistency in reporting information on potential violations to EPA,
* Ensure that reporting to EPA is completed within the required 5-day timeframe, and
* Allow for centralized tracking by Headquarters Environmental of potential violations caused by ITD or the Contractor in order to ensure the causes of violations can be determined and subsequently addressed through updates to forms, guidance, training, etc.

**Instructions for Completing ITD 2790, Notice of Potential Violation**

The following protocol should be followed by Districts when reporting potential violations. Because this form is intended to serve as a reporting mechanism for CGP potential violations and prohibited discharge reporting, all of Parts 2 and 3 may not need to be filled out completely for each reporting instance. Below are some examples of how this form would be used for reporting different circumstances:

* When reporting a potential violation of the CGP, for example sediment trapped behind a silt fence reaches 75% of the above-ground fence height (per CGP 2.1.2.2), only Parts 1 and 2 would be filled out. Part 3 would be left blank since there was no prohibited discharge to report.
* If a Contractor commences ground disturbing activities prior to an approved SWPPP and/or NOI being in place, only Parts 1 and 2 would be filled out. Part 3 would be left blank since there was no prohibited discharge to report.
* Another example would be ITD or Contractor failure to conduct an inspection within 24 hours of a 0.25 inch or greater rain event (if on 14 or 30 day inspection cycle). When the inspection is conducted, evidence of a prohibited discharge from the site is observed. In this case, Parts 1 through 3 would need to be filled out since this is both a potential administrative violation of the CGP and a prohibited discharge occurred.

**Part 1 - Project Information**

Complete all Project Information entirely. This information is essential for ITD HQ ENV and EPA recognition of the project.

**Part 2 - CGP Potential Violation Information**

* Complete the table in its entirety to document the timing of the potential violation and when it was reported to Headquarters Environmental.

**Part 2A -** Provide detailed information on the reason a potential violation is being reported.

**Part 2B -** Identify the provision of the CGP potentially violated.

**Part 2C -** Provide detailed information on the steps taken to fix or resolve the potential violation and bring the project back into compliance with the CGP.

**Part 2D -** The Resident Engineer or Assistant District Engineer should fill out this section and determine the party deemed responsible for the potential violation. If penalties need to be passed on to a Contractor provide an explanation here.

* Provide photo documentation and weather information if applicable to the potential violation.

**Part 3 - Prohibited Discharge Information**

* Complete the table in its entirety to document the timing of the prohibited discharge, information on the receiving water body, sampling information, and when the event was reported to Headquarters Environmental.

**Part 3A -** Provide detailed information on the steps taken to fix or resolve the discharge and/or the effects of the discharge. Provide information on steps taken to mitigate future discharges on the project.

**Report Submittal Process**

* Contractor or Districts fill out all pertinent information on form ITD 2790 and submit to the HQ ENV SWPP inbox as soon as the potential violation(s) is recognized in order to meet the five-day reporting timeframe.
* Districts **do not** report potential violations directly to the EPA. Contact with EPA is **only** via Headquarters Environmental or ITD Legal.
* Districts **do not** report potential violations to Headquarters Environmental planners. Report potential violations directly to the **HQ ENV SWPP inbox.**
* Use the following naming convention in the email subject line so that the email can be recognized as reporting a potential violation and the information can be passed on to EPA if required:

**District-Key Number-NOV\_Current Date**

**Example: 3-09999-NOV\_9/1/2012**

Contact the Headquarters Stormwater Compliance Coordinator or Headquarters Environmental Section Manager with any questions regarding potential violation reporting.