ODOT fined $90k for stormwater discharge on Hwy. 20

by Bend_Weekly_News_Sources

Permit violations occurred September 2006 to January 2007 on section of highway between Corvallis and Newport, affecting fish habitat

The Oregon Department of Environmental Quality (DEQ) has issued a $90,000 penalty to the Oregon Department of Transportation (ODOT) for more than three dozen documented violations of ODOTâ€™s stormwater discharge permit which occurred during a construction project along U.S. Highway 20 in Lincoln County.

The violations, which occurred from September 2006 through January 2007, stem from ODOTâ€™s failure to prevent discharge of sediment-laden stormwater from a construction site to the Yaquina River and its multiple tributaries. DEQ documented numerous â€œturbidâ€• or muddy stormwater discharges occurring as a result of ODOTâ€™s realignment and shortening of Highway 20 between Eddyville and Pioneer Mountain in Lincoln County. The affected water bodies include the Yaquina River and several of its tributaries: Eddy Creek, Trapp Creek, Crystal Creek, Little Elk Creek and Cougar Creek. These waterways provide valuable spawning and rearing habitat for sensitive fish species, including cutthroat and steelhead trout, and coho, chinook and chum salmon.

DEQ assigned ODOT a National Pollutant Discharge Elimination System general permit in July 2005 for construction projects in its Region 2 area. The permit, which ODOT later renewed, required ODOT to undertake erosion and sediment control measures, to oversee stormwater treatment and control facilities, and to discharge stormwater to state waters at levels meeting state water quality standards.

ODOT awarded a contract to Yaquina River Constructors, which worked with two subcontractors to do the construction work on the Highway 20 project. During the summer of 2006, ODOTâ€™s contractor cleared approximately 160 acres of steeply sloped terrain with highly erodable soils.

DEQ determined that ODOT failed to develop and implement an adequate Erosion and Sediment Control Plan for the project, resulting in significant amounts of sediment discharging into the Yaquina River and its tributaries. Deposition of such sediment and high turbidity in the discharged stormwater harms aquatic life by covering up food sources, wearing down fish gills, smothering fish eggs and invertebrate organisms living in stream beds, and impairing the ability of fish to feed and reproduce. DEQ water quality officials said the discharges caused â€œsignificant adverse impactâ€• to the fish habitat within the highway project area.

As early as last July, DEQ and other natural resource agencies expressed concerns to ODOT and its contractors about directing more attention to erosion control measures. With the onset of fall rains, ODOTâ€™s contractor made a more concerted effort at erosion control, but as recently as this past February, the measures implemented were still inadequate to prevent significant sediment discharges to streams and wetlands in the project area. Because of the lack of sufficient erosion controls, multiple slope failures into stream beds, mud flows and discharges of highly turbid stormwater have occurred in the area through the past fall, winter and into this spring.

ODOT has until May 28 to appeal the penalty. Under a DEQ Order issued in association with the penalties, ODOT is also required to keep DEQ informed of measures it is taking to prevent further violations.

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