



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION


BEVERLY EAVES PERDUE  
GOVERNOR

EUGENE A. CONTI, JR.  
SECRETARY

January 23, 2012

**REVISED COPY**

MEMORANDUM TO: Division Engineers  
Anthony Roper, P.E.  
Steve DeWitt, P.E.

FROM: Terry Gibson, P.E.   
State Highway Administrator

SUBJECT: Revised Procedures for the ICA Process

We have revised procedures for the Immediate Corrective Action (ICA) process to improve communication and provide clarity for our environmental compliance efforts. Our Erosion Control Program has been successful and it is critical that we continue to make necessary improvements to protect the environment and ensure timely delivery of our construction and maintenance programs.

These minor revisions to the ICA process will become effective March 1, 2012. The intent of these changes is to streamline the ICA process and to identify projects where we have continuing difficulty maintaining environmental compliance. Changes include the implementation of an Immediate Corrective Action Extension (ICA EX) component and a Continuing Immediate Corrective Action (CICA) component which is similar to the Continuing Notice of Violation (NOV) process used by the regulatory agencies. The new ICA process is described below and outlined on the attached flow chart:

- **Immediate Corrective Action (ICA)** - An ICA will be issued when an erosion control inspection reveals that a project is in violation of the Sedimentation Pollution Control Act and/or the NPDES permit and is given an overall grade of 6 or below. Once issued, the ICA status will remain in effect until corrective actions have been satisfactorily implemented. To ensure that compliance with the Sedimentation Pollution Control Act and/or the NPDES Permit is regained, a follow-up inspection will be conducted in five (5) working days after an ICA is issued. If the follow-up inspection reveals that needed corrective actions have been satisfactorily completed the ICA will be lifted (removed). Circumstances may warrant, however, that an ICA remain in effect for an extended period of time after its issuance. This is the case when corrective work is hampered by adverse weather, erosion control materials needed for corrective actions are unavailable, or corrective items on an ICA have been totally neglected or ignored.

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- **Immediate Corrective Action Extension (ICA EX)** - Should the follow-up inspection for an ICA reveal that significant progress has been made towards the completion of needed actions but not enough corrective work has been accomplished to justify lifting (removing) the ICA, an ICA EX will be issued. The purpose of an ICA EX is to grant additional time for completion of the remaining erosion control items. When an ICA EX is issued, a follow-up inspection will be conducted in five (5) working days. If the follow-up inspection reveals that needed corrective actions have been satisfactorily completed the ICA will be lifted (removed). **(Note: Projects are limited to a maximum of two (2) ICA EX's.)**
- **Continuing Immediate Corrective Action (CICA)** - When any follow-up inspection reveals that little or no progress has been made towards the completion of necessary corrective actions or additional corrective actions are now needed to bring the project into compliance a CICA may be issued. The purpose of a CICA is to alert Project, Division and NCDOT management that there has been an inadequate response to an ICA, the project now poses a higher risk for offsite sedimentation damage, and detrimental effects to the environment are imminent. When a CICA is issued, a follow-up inspection will be conducted every five (5) working days until the corrective actions identified as needed in the ICA and/or follow-up inspection report(s) have been satisfactorily completed. **(Note: The CICA component replaces the Repeat ICA on the Performance Dashboard Appraisal (PDA) environmental compliance metric for various positions).**

Environmental compliance is a critical component of program delivery and is a performance measure for which we are held accountable. In order to meet our environmental commitments, the Department's construction and maintenance activities must be performed in a manner that not only protects, but enhances the state's natural resources.

It is my expectation that we will take appropriate actions to prevent work suspensions and NOV's. Suspension of operations on a project should not become necessary if all parties are committed to fulfilling the Department's obligation to environmental compliance and stewardship.

If you have any questions or need additional information, please contact Don Lee, State Roadside Environmental Engineer at (919) 707-2920.

TRG/dgl

Attachment

cc: Jon G. Nance, P.E., Chief Engineer  
Ricky E. Greene, Jr., P.E., Director of Asset Management  
Don G. Lee, CPESC, State Roadside Environmental Engineer  
Ron A. Hancock, P.E., State Construction Engineer  
Mell Nevils, P.E., NCDENR – Division of Land Resources, Section Chief

# ICA - ICA EX - CICA Process

February 28, 2012

