



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korlaski, Director

July 20, 2010

Mr. Scott Tadych,
Assistant City Engineer
City of Middletown
One Donham Plaza
Middletown, OH 45042

RE: Stormwater Program Evaluation

Dear Scott:

On Thursday, June 17, 2010, I conducted a "screening evaluation" of the City of Middletown's stormwater management program. You represented the city during this review. The evaluation consisted of discussions about the 6 "Minimum Control Measures" (MCMs) that provide the framework for municipal stormwater programs. The intent was to evaluate program activities over the first permit term, from 2003 to 2008.

Note that following the discussion of activities for each MCM, specific annual reporting requirements and performance standards (taken directly from the current permit), have been listed.

Based on my review of the city's current plan, recent annual reports, and our discussion, offer the following observations and recommendations:

MCMs 1 and 2 – Public Education, Involvement, Outreach, Participation

The city appears to have done a significant amount of outreach and used a variety of approaches to try and inform its residents about stormwater management issues. Making stormwater-related information available (and easily accessible) over the internet is the only major shortcoming at this point. Stormwater information was apparently available over the city's website in the past, but not since changes were made to the website in 2009. You stated that the website will be modified in the near future to include stormwater-specific information, and to make this information more easily found.

A short video about stormwater issues produced by Ohio EPA and intended for a general audience was sent to the city in the fall of 2005, but you were not aware of its existence. The video, titled "Tempest in a Channel: Stormwater Runoff's Impacts on Urban Streams"

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was provided to every MS4 community in the state, and is suitable for showing over local cable access television stations. You indicated that if the city was sent another DVD, it would commit to periodically playing the video over Channel 24. A copy of the video will be sent in a separate mailing.

Recommendations The city should consider tracking, if possible, the number of visitors to the section(s) of its website that addresses stormwater management issues. This information can be provided in subsequent annual reports. The city also needs to include in future annual reports representative copies of printed information (newsletter and newspaper articles, inserts in utility bills, etc) that is sent to residents or provided through other means, such as the city library. Likewise, copies of scripts developed for use as announcements about stormwater issues should be included in annual reports. The city should also track the number of times it airs OEPA's 15 minute stormwater video, and estimate the number of viewers who could have seen it.

MCM 1 - Performance Standards Your storm water public education and outreach program shall include more than one mechanism and target at least five different storm water themes or messages over the permit term. At a minimum, at least one theme or message shall be targeted to the development community. Your storm water public education and outreach program shall reach at least 50 percent of your population over the permit term.

Annual Reporting Your annual report shall identify each mechanism used, including each storm water theme, audience targeted and estimate of how many people were reached by each mechanism.

MCM 2- Performance Standards Your storm water public involvement/participation program shall include, at a minimum, five public involvement activities over the permit term.

Annual Reporting Your annual report shall identify each public involvement/participation activity conducted, including a brief description of activity and include an estimate of how many people participated.

MCM 3 – Illicit Discharge Detection and Elimination (IDDE) Mapping

The city appears to have a good handle on storm sewer mapping within its jurisdiction, both in terms of outfalls and actual piping. It might be worth denoting where combined sewers are present, and also indicating where discharging home sewage treatment systems are located. My notes from the meeting are poor, so it's possible these features have already been included on current maps.

IDDE Ordinance We didn't discuss in detail this program requirement, but information included in Middletown's original stormwater management plan and recently submitted annual reports suggest that portions of several different ordinances could be used to address illicit discharges into city storm sewers. It's not clear from recent annual reports if existing ordinances have been adequate to address illicit discharges, if changes need to be made to existing language, or if new ordinances are still needed. The city should re-write the relevant section of its stormwater management plan to explain more specifically what regulations it will rely on to deal with illicit discharges to its storm sewer system.

Home Sewage Treatment Systems (HSTS) You stated that only about 10 homes within Middletown have septic systems which discharge into the city's storm sewer system. A list of addresses for homes which have discharging systems is supposed to be included with the city's stormwater management plan; to date no such list has been provided.

Dry Weather Screening Middletown has already screened most, if not all, of its storm sewer outfalls. According to the 2009 Annual Report, no illicit discharges were identified. The report does not state how many dry weather flows were detected. Assuming there were at least a few, the stormwater plan must describe the process used by Middletown to determine that dry weather flows in fact were not illicit discharges.

Recommendations The city should consider re-writing its stormwater management plan to clarify how existing city ordinances would be used to address and eliminate illicit discharges to the city's storm sewer system. A list of known discharging home septic systems should be included with the revised plan. And the process by which dry weather flows are ruled out as being illicit discharges should be better explained in the revised plan.

MCM 3 - Performance Standards Your storm water illicit discharge detection and elimination program shall include or have included an initial dry-weather screening of all your storm water outfalls over the permit term. Your program shall establish priorities and specific goals for long-term systemwide surveillance of your MS4, as well as for specific investigations of outfalls and their tributary area where previous surveillance demonstrates a high likelihood of illicit discharges. Data collected each year shall be evaluated and priorities and goals shall be revised annually based on this evaluation. Your comprehensive storm sewer system map shall be updated annually as needed.

Annual Reporting Your annual report shall document the following: (1) number of outfalls dryweather screened, (2) number of dry-weather flows identified, (3) number of illicit discharges identified, (4) number of illicit discharges eliminated, (5) provide schedules for elimination of illicit connections that have been identified but have yet to be eliminated and (6) summary of any storm sewer system mapping updates.

MCM 4 - Construction Site Stormwater Runoff Control

It's not clear from reading the original stormwater management plan (submitted in 2003) how the "Manual of Design for Public Works Improvements" fits in relative to erosion and sediment control requirements at proposed construction projects. Nor is it clear how some of ordinances listed in the plan relate to erosion and sediment control requirements at individual sites. The city should revise this section of its stormwater plan to clarify how relevant portions of ordinances and the public works manual are selected and applied; ordinances or sections of ordinances that have no bearing on stormwater management at construction sites should be excluded from the revised plan.

The revised plan should be consistent with information presented in the city's most recent annual reports. Final enforcement procedures used to help attain compliance at construction sites must also be included in the revised plan.

MCM 4 - Performance Standards Your construction site storm water control program shall include preconstruction storm water pollution prevention plan review of all projects from construction activities that result in a land disturbance of greater than or equal to one acre. To ensure compliance, these applicable sites shall be initially inspected. The frequency of follow-up inspections shall be on a monthly basis unless you document your procedures for prioritizing inspections such as location to a waterway, amount of disturbed area, compliance of site, etc. If you initially had coverage under a previous version of this permit you shall revise your program to satisfy these performance standards, if needed, within two years of when your coverage under this general permit was granted.

Annual Reporting Your annual report shall document the following: (1) number of applicable sites in your jurisdiction, (2) number of pre-construction storm water pollution prevention plan reviews performed, (3) number and frequency of site inspections, (4) number of violation letters issued, (5) number of enforcement actions taken and (6) number of complaints received and number followed up on.

MCM 5 – Post Construction Stormwater Runoff Controls

The city should revise this section of its stormwater management plan to be consistent with information provided in recent annual reports. Post-construction requirements outlined in the city's erosion and sediment control regulations appear to be satisfactory, but the process by which plans are reviewed to ensure the requirements are being met must be updated. The manner in which operations and maintenance (O&M) plans will be enforced should also be more fully explained in the revised plan.

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MCM 6 – Pollution Prevention/Good Housekeeping for Municipal Operations

Little time was spent discussing this aspect of the city's stormwater program, but based on the most recent annual report, it appears the city is doing an adequate job tracking use of materials (road salt and pesticides/herbicides) and the amounts of debris collected from street sweeping activities. Future program evaluations may look more closely at training records, in particular the types of training offered, and how it addresses the need to reduce negative impacts to water quality caused by stormwater runoff.

MCM 6 - Performance Standards Your pollution prevention/good housekeeping program shall include, at a minimum, an annual employee training. Your operation and maintenance program shall include appropriate procedures, controls, maintenance schedules and recordkeeping to address Part III.B.6.d.iii of the small MS4 permit.

Annual Reporting Your annual reports shall document the following: (1) summary of employee training program(s) implemented with number of employees that attended and (2) summary of activities and procedures implemented for your operation and maintenance program.

Conclusions Based on my cursory evaluation, it appears the City of Middletown is doing a reasonable job implementing the various components of its stormwater management program. As stated throughout this letter, the city should consider revising sections of its plan to more accurately and clearly describe the extent of the program's activities.

Compliance with all permit requirements will be determined following a true program audit that will be conducted in the future.

If you have questions about any of the information provided in this letter, I can be reached at 937.285.6442 or via email at chris.cotton@epa.state.oh.us.

Sincerely,



Chris Cotton
Division of Surface Water

CC/ka

cc: OEPA/SWDO/DSW Files
Anthony Robinson, OEPA/CO/DSW