



**Environmental
Protection Agency**

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

October 5, 2010

Mr. Robert Sowers
Public Administrative Services Director
City of Fairborn
44 West Hebble Avenue
Fairborn, OH 45324

RE: Stormwater Program Evaluation

Dear Mr. Sowers:

On Tuesday, August 17, 2010, I conducted a "screening evaluation" of the City of Fairborn's stormwater management program. The city was represented by you, Karen Hawkins, Lee Harris, Frank Barosky, Jason Nunn and Jim Sawyer. The evaluation consisted of discussions about the 6 "Minimum Control Measures" (MCMs) that provide the framework for municipal stormwater management 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) are listed. Also note that future stormwater program reviews are likely to be true audits, and will look at each aspect of the city's program in greater detail.

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

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

Fairborn appears to be doing an adequate job of providing stormwater related information to its residents. The city should consider expanding its use of the Internet as a way to not only provide information, but also get feedback from residents about stormwater issues. Future airing of informational videos over local cable access TV should be mentioned in annual reports as long as they continue being broadcast.

Recommendations

Because Fairborn appears to be doing more in terms of outreach and education than its original stormwater management plan (SWMP) suggests, the plan should be rewritten so it better reflects the city's current activities. Annual reports must contain copies of articles sent out to city residents, but only articles having stormwater-related content, as opposed to articles covering general environmental themes. The revised plan should also explain how the city intends to proceed with storm sewer inlet marking, and provide

a schedule it hopes to follow in order to mark all inlets within its jurisdiction.

The rewritten plan should be general enough to provide a decent overview of each of the stormwater program's 6 components. For MCMs 1 and 2, the plan should clearly explain how Fairborn's activities will differ from those undertaken by the Miami Conservancy District (MCD), which has offered to assist many MS4s with public education and outreach requirements. Fairborn can certainly take credit for its involvement with MCD sponsored activities as they pertain to stormwater management, but the type of involvement must be explained. Details for specific activities can be provided in the appropriate year's annual report. Activities developed by MCD for which the city can make no reasonable link should not be mentioned in annual reports.

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

Annual Reporting Annual reports shall identify each mechanism used, including each stormwater theme, audience targeted and estimate of how many people were reached by each mechanism.

MCM 2- Performance Standards Fairborn's stormwater public involvement/participation program shall include, at a minimum, five public involvement activities over the permit term.

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

MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

Mapping – Outfall mapping has not been completed. Confusion with the Miami Conservancy District (which offered to map outfalls within many MS4s whose territory overlaps with theirs) caused some of the delay. Currently about two-thirds of the 50-some outfalls within Fairborn have been mapped, along with some 40% of the storm sewer network itself. The city believes it can meet the requirement of having its entire storm sewer system mapped by the end of the current permit term in January 2014.

The revised plan should include a schedule for completing the required storm sewer system map. Yearly progress can be explained in subsequent annual reports.

IDDE Ordinance – The most recent annual report refers to Chapter 919 of Fairborn's Codified Ordinance as having been adopted in March 2009. The outdated stormwater plan contains no information about this ordinance, nor does it describe how such an ordinance would work in the context of the city's stormwater management program.

A copy of the ordinance should be included as an attachment or Appendix to the city's revised stormwater management plan. The intent of the ordinance and provisions for enforcement should be explained in the revised plan. While complaints regarding illicit discharges into Fairborn's storm sewers are rare, the revised stormwater plan should also explain the process Fairborn relies upon to address complaints.

Home Sewage Treatment Systems (HSTS) Because there are no residential septic systems present within Fairborn, the requirements of this section are not applicable. The revised stormwater management plan should mention this.

Dry Weather Screening – The city has not yet done any dry weather screening of storm sewer outfalls that discharge to streams within its borders.

Fairborn's revised SWMP must discuss the city's approach to dry weather screening storm sewer outfalls, and provide a schedule that explains which outfalls will be screened, and when, over the 5 year permit term. The revised plan should also discuss the general approach that will be taken in the event a discharge is observed. The outcome of specific situations, either complaint-driven or from routine screening work, should be summarized and included in respective annual reports.

MCM 3 - Performance Standards Fairborn's stormwater illicit discharge detection and elimination program shall include or have included an initial dry-weather screening of all stormwater outfalls over the permit term. The program shall establish priorities and specific goals for long-term systemwide surveillance of the 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. Fairborn's storm sewer system map shall be updated annually as needed.

Annual Reporting Annual reports 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

Inspection records were not requested during the review, but annual report information suggests that the city is actively inspecting construction sites to ensure erosion and sediment controls are installed and maintained as necessary. A copy of checklists or other forms developed and used by the city to document construction site inspections should be included as attachments or appendices in the revised SWMP.

The ordinance which empowers Fairborn to require erosion and sediment controls at construction sites has not been reviewed in detail. A copy of the ordinance should be included as an attachment to the city's revised SWMP. A summary of the process that developers follow from project proposal to final sign off should also be included in the revised plan, along with a description of the relevant sections of the ordinance that address materials and waste management practices, plus erosion and sediment control requirements at construction sites.

Note that reference to Ohio EPA's construction permit (in Chapter 921 of Fairborn's codified ordinances) should not include the specific general permit number (now OHC000003, to become OHC000004 in 2013), because this number changes every 5 years when the permit is revised and reissued. A generic reference to "the current version" of this permit would be more accurate.

MCM 4 - Performance Standards Fairborn's construction site stormwater control program shall include preconstruction stormwater 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 the city documents its procedures for prioritizing inspections such as location to a waterway, amount of disturbed area, compliance of site, etc. If the city initially had coverage under a previous version of this permit it shall revise the program to satisfy these performance standards, if needed, within two years of when coverage under this general permit was granted.

Annual Reporting Annual reports shall document the following: (1) number of applicable sites in your jurisdiction, (2) number of pre-construction stormwater 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 Management in New Development

Chapter 921.05 of Fairborn's Codified Ordinances lists stormwater management plan requirements for site developments. Section (d)(2)D of this chapter specifically states that "large earth-disturbing activities" are required to describe specific post-construction

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best management practices (BMPs) that will "detain and treat" the calculated water quality volume (WQv) for the site in question. While the ordinance appears to address post-construction requirements in general, it's not clear how the review of this information is undertaken.

It also should be noted that not all post-construction BMPs involve detaining runoff, as language in the above-cited section of the ordinance seems to imply. Developer indifference aside, the city's revised SWMP must explain how it intends to address post-construction stormwater management requirements, and how it will promote use of "low-impact" site design ideas. If Fairborn feels low-impact development ideas are not worthy of promotion, the revised plan should explain why this is so. If the city intends to rely solely on detention basins with reduced outlet sizes in order to meet water quality volume requirements, then the SWMP must describe the approach.

MCM 5 – Performance Standards

Fairborn's post-construction SWMP shall include pre-construction stormwater 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 that required controls are designed per requirements. These applicable sites shall be inspected to ensure that controls are installed per requirements. The program shall also ensure that long-term operation and maintenance (O&M) plans are developed and agreements in place for all applicable sites. If the city initially had coverage under a previous version of this permit it shall revise its program to satisfy these performance standards, if needed, within two years of when coverage under this general permit was granted.

Annual Reporting Annual reports shall document the following: (1) number of applicable sites in your jurisdiction requiring post-construction controls, (2) number of pre-construction stormwater pollution prevention plan reviews performed, (3) number of inspections performed to ensure as built per requirements and (4) number of long-term operation and maintenance (O&M) plans developed and agreements in place.

MCM 6 – Pollution Prevention/Good Housekeeping (P2/GH) for Municipalities

Little time was spent discussing this section, but information provided in the most recent annual report suggests Fairborn is training relevant staff about stormwater issues and more efficient materials management, and is tracking amounts of street sweepings collected and disposed.

This section should be rewritten to better reflect the city's current activities. Most of the language in the original plan was crafted by the Miami Conservancy District, but at this point MS4s are expected to describe their own approaches to P2/GH activities.

A copy of the generic "Pollution Prevention and Good Housekeeping Program" (P2/GH) provided to me during the evaluation would be a good starting point for revising the

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narrative to MCM 6. The list of facilities managed by the city (included with this document) should be boiled down to only those which require site specific stormwater pollution prevention plans (SWP3s). Since the approach for managing materials and waste is basically the same for all sites, one overall program description is acceptable for the SWMP, and more detailed information, mainly about potential pollutant sources, can be provided for specific sites.

MCM 6 - Performance Standards Fairborn's pollution prevention/good housekeeping program shall include, at a minimum, an annual employee training. Its 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 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 Fairborn's operation and maintenance program.

Conclusions

Like virtually all MS4s, Fairborn is not in full compliance with the terms of its stormwater permit. But the city appears to be addressing most of the requirements of this permit in some way. Because Fairborn relied heavily on the Miami Conservancy District for much of the content of its original SWMP, I am recommending the plan be rewritten so it more accurately represents the city's current stormwater program activities. The goal of the rewrite is to have a document that is general in nature, and can provide to the average reader a decent overall understanding of how the city is addressing stormwater management requirements. Specific information, as outlined in each respective MCM's annual reporting requirements, can be included as appropriate.

If there are questions about anything 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: OEPA/SWDO/DSW Files
Anthony Robinson, OEPA/CO/DSW

CC/ca