



**Environmental
Protection Agency**

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

August 16, 2010

Mr. Bryan Chodkowski
City Manager, City of Riverside
1791 Harshman Road
Riverside, OH 45424

RE: Stormwater Program Evaluation

Dear Mr. Chodkowski:

On Tuesday, August 3rd, 2010, I met with Mitch Miller and Jay Keaton to evaluate the City of Riverside's Stormwater Management Program. Jennifer Russell from LJB was also present during this meeting. The focus of the evaluation was on USEPA's 6 "Minimum Control Measures" (MCMs) that provide the framework for municipal programs. Based on our discussions, and following review of the city's original stormwater management plan and subsequent annual reports, I offer the following thoughts and recommendations:

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

Most of the information provided regarding outreach and education pertains to efforts undertaken by the Miami Conservancy District (MCD). While MCD has agreed to assist several dozen MS4s with these 2 MCMs, assistance is not meant to replace activities Riverside should be conducting on its own. Furthermore, OEPA expects individual MS4s to report how specific activities initiated by MCD actually pertain to their community. For example, if MCD organizes an environmental festival targeting children, did children from Riverside attend it? If MCD organizes a training seminar on low impact development techniques, did officials from Riverside attend? If the city had no involvement with activities developed and executed by MCD, then it should not include these activities in its annual reports. If the city did participate, details of its involvement should be included.

Likewise, for outreach activities initiated by Riverside, such as publishing articles in community newsletters or working with local school districts, details of these activities, along with numbers of residents and students reached, should be included in annual reports. Copies of newsletter articles also should be included, with an outline of the program used by schools to deliver stormwater information to students. Otherwise, it's impossible to confirm that these activities were done at all.

Recommendations

Riverside should revise its stormwater management plan so that it clearly explains how it will address the requirements of MCMs 1 and 2. The revised plan should discuss which activities are initiated by the city and which are orchestrated by MCD. The revised plan

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should also provide details regarding how the city has gone about getting local schools to "introduce stormwater issues" to their students, and explain how the information is disseminated. Any such effort at working with the schools will be complicated by the presence of 4 different districts within Riverside's borders. So the revised plan should discuss the city's approach over the coming years, given this complicating factor.

Future annual reports should contain a copy of any stormwater related articles published in the community's newsletter. The city should consider expanding its website to include basic stormwater related information, and links to other information sources that website visitors could pursue if interested. The city should also consider tracking numbers of visitors to its website, particularly sections that provide stormwater related information.

Below are the performance standards MS4s are expected to meet for MCMs 1 and 2, along with annual reporting requirements. This information is found on page 6 of the small MS4 general permit.

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 and 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 According to Mr. Miller, 95% of Riverside's storm sewer outfalls have been mapped, but none has been verified. Because all stormwater outfalls were supposed to be mapped by 2008, the city of Riverside is not compliant with this requirement. Note that by the end of the current permit term (January 2014), MS4s are required to have their entire storm sewer systems mapped.

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IDDE Ordinance Riverside has yet to establish an ordinance to address illicit discharges into its storm sewer system. Currently the city is re-writing most of its codes, and expects to produce an ordinance (or some other relevant legal mechanism) to address this requirement. The intent of an ordinance is to empower the city to pursue businesses or individuals suspected of discharging waste or other materials illegally into Riverside's storm sewer system. Provisions for enforcement must be included in the final ordinance.

Home Sewage Treatment Systems (HSTS)

Efforts to acquire lists of residential septic systems that discharge into Riverside's storm sewers have to date been unsuccessful. According to Mr. Miller, the Montgomery County Health Department has not been willing to provide the requested information, though it says anyone from Riverside who wants to come to their office to look through its files is welcome to do so.

Dry Weather Screening

Riverside has yet to develop a program for screening dry weather flows. As a reminder, the city's general stormwater discharge permit requires all outfalls to be screened once during the 5 year permit cycle.

Currently, dry-weather screening of the city's storm sewer outfalls is complaint-driven. For situations that prove to be illicit discharges, information needs to be included in annual reports about what was done to identify the source, and how the discharge was stopped. Riverside screened many of its outfalls in 2009 by responding to complaints, but this is not considered a suitable substitute for the requirement to develop a screening program.

Recommendations

Riverside's stormwater management program is out of compliance with many of the requirements of MCM 3. The city will have to re-write this section of its stormwater management plan to explain how its program will address these requirements. Ordinances, maps and lists of discharging residential septic systems should be included as Appendices to the revised plan. Below are specific performance standards and annual reporting requirements for MCM 3.

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.

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Annual Reporting Your annual report shall document the following: (1) number of outfalls dry-weather 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

MCMs 4 and 5 – Construction and Post-Construction

Riverside is in the midst of revising existing ordinances, or creating new ones where necessary. This includes ordinances pertaining to construction site erosion controls and post-construction stormwater management.

Active construction sites are being inspected, but documentation for these inspections was not reviewed. Information included in Riverside's 2009 Annual Report states that no construction site inspections were performed, but 200 post-construction inspections were. A telephone conversation with Jennifer Russell on August 12, 2010, revealed that most inspections done by the city having a stormwater/drainage component were included in this group of 200. Post-construction inspections are intended to evaluate the function of whatever best management practices have been installed at new developments to improve the quality of runoff that is discharged from sites. Keeping track of all inspections the city does that have a stormwater component is OK, but only activities that pertain to requirements of the MS4 permit need to be provided in annual reports.

Recommendations

Riverside must revise its stormwater management plan to explain the general process proposed development projects follow to ensure adequate erosion and sediment controls are installed, inspected and maintained. The revised plan must also explain the enforcement process used by the city for sites that do not comply with the requirements. As previously stated, ordinances and other relevant information too detailed to include in the narrative should be included as appendices to the revised plan.

The revised plan must also include information about the city's post-construction program, and how long term operation and maintenance agreements are made with individual properties which have post-construction stormwater management features. Annual reports should contain only that information which pertains directly to inspections done for structural post-construction features, such as detention basins.

Below are performance standards and annual reporting requirements for MCMs 4 and 5.

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.

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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 – Performance Standards

Your post-construction SWMP shall include pre-construction 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 that required controls are designed per requirements. These applicable sites shall be inspected to ensure that controls are installed per requirements. Your program shall also ensure that long-term operation and maintenance (O&M) plans are developed and agreements in place for all applicable sites. 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 reports shall document the following: (1) number of applicable sites in your jurisdiction requiring post-construction controls, (2) number of pre-construction storm water 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 for Municipalities

Riverside appears to be training its employees as required by this MCM, but details of the program are lacking in the city's stormwater management plan. The revised plan must include an outline of the training program the city uses to inform its workers about the need to use and manage materials in ways that reduce impact to stormwater runoff.

Recommendations

Future annual reports must include figures (pounds or tons) for the amount of debris collected annually by city street sweepers. Annual reports should also highlight efforts to reduce, where practical, the use of products that can impact the quality of stormwater runoff.

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Conclusions

My evaluation revealed the following violations of Riverside's small MS4 general NPDES permit:

- In accordance with requirements set forth by Ohio Administrative Code (OAC) 3745-39-03 (C)(2)(c)(ii)(b), Riverside has yet to adopt an ordinance or other regulatory mechanism to effectively prohibit illicit discharges into its storm sewer system and implement appropriate enforcement procedures and actions.
- In accordance with requirements set forth by Ohio Administrative Code (OAC) 3745-39-03 (C)(2)(d)(ii)(a), Riverside has yet to adopt an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance.
- In accordance with requirements set forth by Ohio Administrative Code (OAC) 3745-39-03 (C)(2)(e)(ii)(b), Riverside has yet to adopt an ordinance or other regulatory mechanism to address post-construction water quality runoff from new development and redevelopment projects and ensure the long-term operation and maintenance of these controls.

Correspondence from Ohio EPA to Riverside, dated July 9, 2009, identified the above violations. This correspondence requested a response from Riverside within 30 days of receipt; to date, Ohio EPA received no response. Within fourteen (14) days of receipt of this letter, please provide a schedule Riverside will follow in order to comply with the above requirements. Failure to address these violations by this date will result in an enforcement action through issuance of Director's Final Findings and Orders (DFFOs).

If you have questions about any part of 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
Jennifer Russell, LJB Inc.

CC/mab