



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 7, 2011

RE: **Stormwater Program Evaluation
City of Franklin
NPDES permit #1GQ00044*BG**

Mr. Sonny Lewis
Public Works Director
City of Franklin
202 Baxter Drive
Franklin, OH 45005

Dear Mr. Lewis:

On Wednesday, January 5, 2011, I met with you to evaluate the City of Franklin's stormwater management program. Donnette Fisher, the city's law director, and Gary Heitkamp, city engineer, were also present 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 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 our discussions and my review of the city's original stormwater management plan and recent annual reports, I offer the following observations and recommendations:

MCMs 1 and 2 – Public Involvement, Participation and Education (PIPE)

The city of Franklin deferred virtually all of the activity for these MCMs to the Miami Conservancy District (MCD). Collaboration with MCD is welcome, since much of Franklin's territory coincides with MCD's jurisdictional area. And an MS4 itself, MCD is also required to develop stormwater education/outreach activities. So it makes little sense for MS4s which overlap with MCD to duplicate stormwater education/outreach efforts. However, it is not clear if MCD's activities even reached Franklin residents, in terms of both education and outreach, or if city employees were involved in their development or execution.

Other methods of educating/informing residents are mentioned in the original SWMP, but no confirming details are provided. Mention is made in the original plan (p 7) of using the internet to provide stormwater information to residents, but a recent check of Franklin's website found nothing to support these statements. A quarterly publication, the *Franklin Chronicle*, was to contain occasional articles about stormwater issues, and the city's Public Works Department was to continue distributing MCD-prepared flyers discussing stormwater pollution prevention.

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No information is provided in subsequent annual reports to prove that any of these methods were actually utilized.

To be considered compliant with the requirements of MCMs 1 and 2, the city of Franklin must link education/outreach activities orchestrated by MCD (with a stormwater component) to involvement on the part of city staff, residents or students. For example, did a busload of Franklin city schoolkids attend an environmental festival, such as the Butler County Water Festival, at which stormwater issues were discussed? Or did city staff participate in the festival, either by helping with planning or by manning booths at the event itself? Has city staff attended educational training sessions of some sort, such as those dealing with low impact development techniques, or anything pertaining to erosion and sediment controls used at construction sites? Has the public works department tracked the number of stormwater pamphlets distributed in recent years?

The city should re-write its stormwater management plan (SWMP) so that it accurately reflects the types of outreach and education it envisions doing in the future. If making pamphlets available and using the internet are the only venues the city will be able to exploit, provide details and explain the rationale accordingly. A copy of each version of the pamphlet (assuming it may be modified in the future to include new information) numbers of copies handed out, and hits to the website can be provided in subsequent annual reports. The revised plan should also explain specifically if, and how, Franklin expects to benefit in the future from the outreach and education activities developed and executed by the MCD. If a reasonable link between these activities cannot be made, then the city can no longer rely exclusively on MCD to handle Franklin's obligations under MCMs 1 and 2.

Performance standards and reporting requirements for MCMs 1 and 2 are listed below.

MCM 1 - Performance Standards:

Franklin's 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. Franklin's storm water public education and outreach program shall reach at least 50% of its population over the permit term.

Annual Reporting

Annual reports 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

Franklin's storm water public involvement and participation program shall include, at a minimum, five public involvement activities over the permit term.

Annual Reporting

Franklin's 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

Franklin's entire storm sewer system has been mapped, but the current version of its SWMP does not state this. The revised SWMP should explain that mapping has been completed, include the number of outfalls within the city, and explain which department is responsible for keeping the map up to date.

IDDE Ordinance

Franklin's illicit discharge ordinance was passed in October 2009. The revised SWMP should explain the basics of this ordinance, how it supports Franklin's IDDE plan, and how it authorizes the city to address illicit discharges to its storm sewer network. The explanation should also summarize the ordinance's enforcement provisions. Details concerning specific instances of illicit discharges that provoke city involvement can be provided in the appropriate annual report.

Home Sewage Treatment Systems (HSTS)

Franklin has no discharging residential septic systems within its boundaries. The revised SWMP should speak to this fact.

Dry Weather Screening

To date, Franklin has done no storm sewer outfall screening. By the end of the current permit term, MS4s are required to screen, at least once, all of the outfalls known to exist within their respective territories. Franklin must rewrite its SWMP to explain how it will address this permit requirement, and include a schedule that lists which outfalls will be screened and when the work will be done. In addition to providing a generalized schedule for future outfall screening, the revised SWMP should outline what steps will be taken to identify the composition of discharges should any be found. Details of screening efforts that require follow up can be included in subsequent annual reports.

MCM 3 - Performance Standards

Franklin's storm water illicit discharge detection and elimination program shall include or have included an initial dry-weather screening of all its storm water outfalls over the permit term. The city's program shall establish priorities and specific goals for long-term

systemwide surveillance of its 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. Comprehensive storm sewer system maps shall be updated annually.

Annual Reporting

Annual reports 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.

MCM 4 – Construction Site Stormwater Runoff Control

This section of Franklin's original SWMP stated that the city was considering several changes to relevant existing ordinances to address the need to reduce off-site pollution from regulated construction sites. Said changes were incorporated into the city's new unified development ordinance, which became effective in August, 2009.

The new ordinance appears to adequately address the intent of the requirements of MCM 4, and the SWMP should be revised to reflect the implementation of the new ordinance. In particular, the revised plan should describe the general process development projects follow from initial proposal to final approval, with emphasis on how erosion and sediment control issues are handled. The revised plan should also explain how enforcement will be handled. Relevant portions of the ordinance can be included as attachments to the revised plan. Note that copies of OEPA's NPDES permit issued for construction sites and ODNR's Rainwater and Land Development manual, each referenced in the ordinance, do not have to be included in the revised plan.

Inspection records were not requested during the evaluation. Information included in the 2009 annual reports suggests the city is actively inspecting construction sites every 4 to 6 months, but the small MS4 general permit requires at least monthly inspections. Inspection frequencies may be reduced for development projects that have stalled or may take years to complete, assuming sites' disturbed areas have been adequately stabilized. The SWMP must include the timeframes specified in the MS4 permit.

The revised SWMP should also contain example copies of checklists or other forms the city uses to track construction site erosion/sediment control inspections. Annual reports do not have to include copies of individual inspection reports; reporting the number of inspections conducted is adequate. Specific site records will be requested at future stormwater program audits.

In addition to better explaining its process for reviewing new development projects, the city's revised stormwater management plan should focus on meeting the performance standards outlined below.

MCM 4 - Performance Standards

Franklin's 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 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 of Franklin 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 Franklin's 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

From reading the city's original SWMP, and revised unified construction ordinance, it's not clear how the intent of this MCM will be met. The goal of the requirement is for certain development sites (those which disturbed more than 5 acres) to install stormwater controls that are capable of treating the site's "water quality volume", which is the amount of runoff produced by a three-quarter inch rain. Information contained in the city's unified development ordinance seems to pertain mainly to water quantity concerns, while post-construction requirements, in the context of the small MS4 permit, are geared toward water quality. This section of the SWMP should be revised to more clearly explain how the requirements of MCM 5 will be met.

Franklin's unified development ordinance contains language that effectively holds private property owners served by structural post-construction stormwater management controls to maintain said controls. It's assumed that "ownership and maintenance" agreements are similar to "operations and maintenance" agreements, which are required to be in place for certain development projects per MCM 5. The revised SWMP should explain in general how these agreements are administered, and should provide a copy of either the standard language that is used, or specific language used in an agreement made for a particular development.

The goal of O&M agreements is to ensure long-term maintenance of post-construction best management practices installed at new developments which exceed 5 acres in size. Performance standards listed below should be helpful in revising this section of the city's SWMP.

MCM 5 – Performance Standards

Franklin's 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 controls are designed per requirements. These applicable sites shall be inspected to ensure that controls are installed per requirements. Franklin's 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 Franklin's 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 Municipal Operations

Little time was spent discussing the specifics of this section, but information included in Franklin's 2009 annual report suggests the city is mindful of the need to manage and use materials in ways that reduce the potential for polluting stormwater runoff.

The revised SWMP should outline the city's approach to training its employees in the future with respect to materials management and stormwater pollution issues, even if this is just a small component of other training city employees receive. The revised plan should also explain how the city manages debris accumulated from street sweeping. Subsequent annual reports should list the amounts of debris collected and disposed.

In the section on salt storage, Franklin's original SWMP states on page 36 that "If drains (in the salt storage area) are found to be connected to the storm drain system, corrective action, including connection to the sanitary sewer, will be taken." It's not clear if such a situation was ever observed, but this statement should be stricken from the revised SWMP. Flows of concentrated brine could be very disruptive to a wastewater treatment plant, and other remedies, such as covering salt piles to keep them out of the

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rain, would be much better. The revised plan should explain how the city currently manages road salt, and what it has done to improve the efficiency of its use.

The revised SWMP also should play up ways in which the city has addressed potential stormwater contaminant sources, such as eliminating altogether the use of pesticides and herbicides. The plan can discuss other opportunities the city has identified and how they will be exploited; relevant details can be put in the appropriate annual report.

MCM 6 - Performance Standards

Franklin's pollution prevention/good housekeeping program shall include, at a minimum, an annual employee training. The city's 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 your operation and maintenance program.

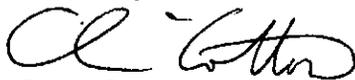
Conclusions

Franklin must rewrite its stormwater management plan to describe more accurately the extent of its program's activities. Portions of its program may be considered compliant with current small MS4 permit requirements, while other parts of the program are not compliant. Content of the re-written plan should be general, and the writing should be geared toward the average person who is interested in knowing the basics of the city's stormwater management program. Ordinances or other relevant documents can be referenced in the revised plan and included as attachments. The content of annual reports should focus on the details spelled out after the discussion of each MCM.

The city must have a workable, accurate and clear stormwater management plan in place by the time the next permit term begins, in late January 2014.

If there are questions about anything discussed in this letter, I can be reached at 937.285.6442 or via email at chris.cotton@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Cotton". The signature is fluid and cursive, with the first name "Chris" and last name "Cotton" clearly distinguishable.

Chris Cotton
Division of Surface Water

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

CC/rb