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CITY OF BEXLEY



Environmental
Protection Agency

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

January 20, 2011

William Harvey
Service Director
City of Bexley
2242 East Main Street
Bexley, OH 43209

Re: Storm Water Audit Findings of Bexley

Dear Mr. Harvey:

This letter is written in follow-up to my storm water audit of the city of Bexley conducted on January 18, 2011. The audit was performed to assess your compliance with Ohio EPA's Small Municipal Separate Storm Sewer System (MS4) storm water permit (OHQ000002). I would like to thank you and all Bexley's staff for answering questions and providing information during the audit. As a result, I have the following comments regarding your program and the implementation of the six minimum control measures:

Public Education and Outreach (Minimum Control Measure #1):

Permit Requirements:

You shall implement a public education program to distribute educational materials to the community to conduct equivalent outreach activities about the impacts of storm water discharges on water bodies and the steps that the public can take to reduce pollutants in storm water runoff.

Decision process. You shall document your decision process for the development of a storm water public education and outreach program. Your rationale statement shall address both your overall public education program and the individual Best Management Practices (BMP's), measurable goals and responsible persons for your program. The rationale statement shall include the following information, at a minimum:

- How you plan to inform individuals and households about the steps they can take to reduce storm water pollution.
- How you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream restoration activities).

- Who are the target audiences for your education program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected?
- What are the target pollutant sources your public education program is designed to address?
- What is your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people do you expect to reach by your outreach strategy over the permit term?
- Who (person or department) is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the BMPs identified for this program.
- How will you evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

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. 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.

Permit Violations:

- No direct violations were noted concurrent with my review of this minimum control measure.

Education Items implemented by Bexley:

- The city has elected to implement a website with respect to storm water pollution prevention and education.
- The city has developed newsletters, which are inclusive as a supplement to utility bills which are mailed to all citizens of Bexley.

Improvement Opportunities:

- Please ensure, at a minimum, five different storm water themes are listed in the next annual report and ensure one theme is directed towards the construction industry.

- Bexley must develop outreach mechanisms to the development community. A construction site document which is directed towards the development community for any construction site resulting in land clearing activities greater than one acre, is one example to meet this minimum control measure.
- The city should expand on a storm water theme, which is directed towards all citizens of Bexley with respect to proper waste management.
- The city should expand on the storm water theme addressing urban impacts with the municipal limits.
- The city should expand on the current website with respect to storm water pollution. The storm water website should be available and easily accessible through the homepage. The comprehensive storm water website should include all information with respect to the implementation of the six minimum control measures, and include notifications with respect to upcoming development.
- The city should initiate surveys to ensure 50 percent of the population is being reached over the permit term or demonstrate an approvable alternative.
- The city must address the decision process in preparation of the next annual report. The city must be able to develop a rational statement for the priority pollutants, outreach mechanisms, and measurable goals associated with the public education program. This information should be directly reflected in the development of the five storm water themes.
- The annual report shall identify each mechanism used, including the target audience, and an estimation of how many people were reached. The current estimation, which states "100 percent of individuals who have Internet access and choose to look at the website", is not sufficient to meet the intent of this general permit condition.
- The city of Bexley should continue and expand on the educational curriculum within the city school system. The development of an effective school curriculum is an instrumental component to increase public awareness in the community. I found your local school program demonstrating opportunities for improvement. Please refer to the following link for assistance:
<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=8&minmeasure=1>
- The city should develop an educational outreach strategy regarding pollution prevention for restaurants, and commercial developments within the municipal limits. Please refer to the following links for assistance.

Commercial Outreach:

<http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=6&minmeasure=1>

Restaurant Outreach:

http://eorwa.com/Restaurant_Grease_Control.pdf

Public Involvement/Participation (Minimum Control Measure #2)

Permit Requirements:

You shall comply with State and local public notice requirements and satisfy this minimum control measure's minimum performance standards when implementing a public involvement/participation program.

Decision process: You shall document your decision process for the development of a storm water public involvement/participation program. Your rationale statement shall address your overall public involvement/participation program and the individual BMPs, measurable goals, and responsible persons for your program. The rationale statement shall include the following information, at a minimum:

- Have you involved the public in the development and submittal of your NOI and Storm Water Management Plan (SWMP) description?
- What is your plan to actively involve the public in the development and implementation of your program?
- Who are the target audiences for your public involvement program, including a description of the types of ethnic and economic groups engaged. You are encouraged to actively involve all potentially affected stakeholder groups, including commercial and industrial businesses, trade associations, environmental groups, homeowners associations, and educational organizations, among others.
- What are the types of public involvement activities included in your program. Where appropriate, consider the following types of public involvement activities: citizen representatives on a storm water management panel, public hearings, working with citizen volunteers willing to educate others about the program, volunteer monitoring or stream clean-up activities.
- Who (person or department) is responsible for the overall management and implementation of your storm water public involvement/participation program and, if different, who is responsible for each of the BMPs identified for this program.

- How you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the BMPs.

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

Permit Violations:

- No direct violations were noted concurrent with my review of this minimum control measure.

Participation/Involvement Items implemented by the city of Bexley:

- Bexley is adhering to all planning and zoning requirements in addition to the public notice requirements in accordance with state regulations.
- Bexley conducts the Annual Community Clean Up Day.
- Bexley addresses all comments, including storm water management, at public meetings in conjunction with new and redevelopment within the municipal limits.

Improvement Opportunities:

- The city should include in the comprehensive storm water web page: a posting of all proposed developments and redevelopments in Bexley, Ohio. The posting should include an attached Storm Water Pollution Prevention Plan in order to solicit comments from the public and various watershed groups and other interested parties to address improvement opportunities.
- It is Ohio EPA's intent to involve the public to the maximum extent practical with respect to development and redevelopments within the city. In addition to the proposed website upgrade listed above, the city may also elect to a specific review of a Storm Water Management Plans concurrent with the zoning and/or public notice meetings, including the presentations to city council in order to solicit comments.
- The city should consider the development of a Storm Water Management Panel, which includes an open public seat, or equivalent, in order to solicit comments regarding development and re-development within the municipal limits.
- The city must ensure that the decision process is addressed and include the rational statements in the upcoming annual reports to justify the mechanisms

chosen for this minimum control measures. Measurable goals must be inclusive in this report.

- Please ensure the upcoming annual reports address the performance standards of this minimum control measures.
- The city should incorporate participation from the public with respect to waste management issues
- The city should consider submission of all development and re-development plans to the Friends of Alum Creek for comment.
- The city should implement mechanism to increase participation from the school systems within the municipal limits.

Illicit Discharge Detection and Elimination (Minimum Control Measure #3):

Performance Standards per Second Generation Permit. 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 system-wide 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 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.

The following should be completed as required in First Generation Permit:

- Ordinance or a regulatory mechanism is in place as a result of the First Generation Permit Condition.
- Outfall map should be completed based on first generation permit conditions (i.e., streams ditches and outfalls)
- Inventory or map depicting location of Home Sewage Treatment Systems (HSTS) discharging to MS4 (including contact information).

- Protocols for detection and prioritization for elimination should be established.
- The General Permit states illicit discharge protocols shall include dry weather screening.

Permit Violations:

- No direct violations were noted concurrent with my review of this minimum control measure.

Illicit Discharge items implemented by the city of Bexley:

- All separate storm sewer system outfalls, which discharge directly into waters of the state, are properly mapped and identified on a GIS mapping system.
- The entire MS4 system has been mapped. The GIS layers, which include all storm water outfalls, and the entire separate storm sewer system for the city of Bexley, were requested at this audit, upon completion of final review.
- Bexley has initiated the first round of dry weather screening associated with the MS4 outfalls discharging to waters of the state.
- The city is documenting with visual observations and photographs all dry weather flows associated with the MS4 outfalls. The city should model the program after Cuyahoga Illicit Discharge and Detection Protocols.
- The city has developed legal authority to prohibit illegal discharges and dumping into the MS4 systems. The ordinance was reviewed and found to be acceptable during the audit.
- The city has no HSTS systems within the municipal limits.

Improvement Opportunities:

- The city should continue with the dry weather screening in order to identify and prioritize the illicit discharges for elimination. This would include sampling of all dry weather flows from the MS4 system. Ohio EPA would be willing to assist in the evaluation process and prioritization schedule to address appropriate elimination protocols in conformance with the MS4 permit conditions. Ohio EPA recommends the use of Cuyahoga's Illicit Discharge, Detection and Elimination Protocols found at the following address:
http://www.ccbh.net/ccbh/export/sites/default/CCBH/pdf/stormwater/IDDE_Manual_July_2006_2.pdf

- The city should put written protocols in place for all personnel investigating illicit discharges and responding to spills. These protocols should be made available to all key personnel and should be updated on an annual basis or as needed. All key personnel should be trained on an annual basis to determine any improvement opportunities with respect to illicit discharge investigation and spill recovery.
- Ohio EPA recognizes the efforts city of Bexley as taken to ensure compliance with this minimum control measure.
- The city must implement a tracking system for all reported illicit discharges and complaints to ensure appropriate enforcement in the event of repeat offenders or illicit disposal.

Construction Activities (Minimum Control Measure #4)

Performance Standards per Second Generation Permit. Your construction site storm water control program shall include pre-construction storm water pollution prevention plan review of all projects for construction activities that result in a land disturbance 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.

Following should be completed as required in First Generation Permit:

- Ordinance or legal mechanism in place for sediment and erosion controls
- Program shall include inspection, review and enforcement.
- Process in place to receive complaints.

Permit Violations:

- The city has failed to develop appropriate legal authority. During the audit, I reviewed the draft ordinance, which was acceptable. There was a mutual understanding the ordinance would pass within three months.

- The city has failed to demonstrate appropriate inspection of construction activities within the municipal limits. During the audit we agreed that an inspection form would be developed and implemented for all future projects greater than one acre. The inspections will be conducted a minimum of once a month during active construction.
- The city has failed to address appropriate enforcement protocols for non-compliance. It is my understanding this issue will also be resolved with the passing of the construction ordinance.
- Please submit to my attention the Ordinance, upon approval.

Construction items implemented by the city Bexley:

- The city has implemented review protocols for all development and redevelopment projects within the municipal limits. All Storm Water Pollution Prevention Plans are reviewed prior to construction to ensure the minimum control measures and requirements in Ohio EPA's "General Storm Water Permit associated with Construction Activities" are addressed.
- During the audit, I was informed there were no active construction sites greater than one acre.

Improvement opportunities to ensure compliance with the second Generation MS4 Permit:

- The review procedures should include a storm water review "sign off" to ensure all requirements of the Municipal Ordinance are approved prior to construction.
- A Storm Water Pollution Prevention Plan checklist should be incorporated in each review. Please refer to the following link for assistance:
http://www.epa.state.oh.us/dsw/storm/const_SWP3_check.aspx.
- The city must implement inspection and enforcement protocols to ensure all active construction sites maintain compliance with the conditions set forth in Ohio EPA's Storm Water Permit in addition to the local ordinance. Inspections must be conducted, at a minimum, on monthly recurrence interval.
- Written enforcement protocols should be developed, distributed, and reviewed as part of the pre-construction meeting.
- The city must develop a tracking system to track all construction storm water inspections and complaints to properly evaluate and address repeat offenders.

- The city should establish, in writing, a standalone document addressing enforcement protocols to establish consistency, and as an educational tool to the regulated community. All key personnel must be trained with respect to the enforcement protocols.
- The city should consider the inclusion of language which would require setbacks, preservation regulations, and Low Impact Design criteria in the next ordinance.

Post Construction (Minimum Control Measures # 5)

Performance Standard per Second Generation Permit:

Your post-construction Storm Water Management Plan (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 the mandated controls are designed per the minimum 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.

Post Construction Items implemented by the City of Bexley

- The city of Bexley has developed legal authority to ensure post construction practices are reviewed and properly designed through Ordinance Number 17-10. The city routinely contracts the review of post construction practices to various consulting firms.

Permit Violations:

- The city has failed to develop the legal authority to ensure long term operations and maintenance of all post-construction Best Management Practices (BMP's).
- The city has failed to implement an inspection program to ensure long term maintenance.

Improvement Opportunities/Corrective Actions to ensure compliance with the second Generation MS4 Permit:

- During the audit I agreed to a timeframe of 3 to 6 months to develop legal authority with respect to the implementation of this minimum control measures.
- Please develop a Maintenance Agreement, which requires the owner to provide maintenance protocols for the specific BMP, based on manufacture specifications. The maintenance agreement must ensure proper inspection and maintenance of all post construction BMP's. The maintenance agreement must provide Bexley access rights for inspection and maintenance if necessary. Please refer to the following link for assistance: http://www.cwmp.org/pdf_files/model_im_agree_sw_bmp_10_29_2008.pdf.
- The city must include, in the currently developed GIS Mapping System, the location of all Post Construction BMP's.
- The city must develop procedures to ensure a water quality review is inclusive on all municipal owned projects, including all flood controls projects.

Pollution Prevention/Good Housekeeping for Municipal Operations (Minimum Control Measure #6)

Performance Standards per Second Generation Permit. Your pollution prevention/good housekeeping program shall include, at a minimum, 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 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.

Permit Violations:

- The city must incorporate secondary containment for the Used Oil Tank or demonstrate an approvable alternative.

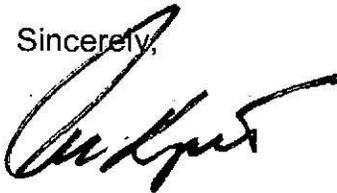
Observations and Improvement Opportunities:

- The city has developed a Storm Water Pollution Prevention Plan specific to the municipal operations on East Main Street. All key personnel are trained on an annual basis with respect to the implementation of a Storm Water Pollution Prevention Plan.

- The city has ensured all street sweepings and catch basin cleanings, are properly disposed at a sanitary landfill.
- All floor drains inside the facility drain to a sanitary sewer.
- All salt storage is maintained under roof. Please ensure good housekeeping practices are implemented to minimize drag out during the loading and off loading process. I noted minimal drag out during the inspection.
- All vehicles and equipment are washed under roof with all wash water draining to a sanitary sewer.
- All maintenance personnel must continue to be trained with respect to the spill prevention and recovery protocols.
- A spill kit was noted directly adjacent to the fueling pumps. Additional measures such as roof with drains to sanitary, or a contained unloading pad should be considered to minimize the potential of storm water contamination in this area.

If you have any questions or comments regarding this audit or the contents of this letter, please do not hesitate to contact me at (614) 728-3844 or via email harry.kallipolitis@epa.state.oh.us. In addition, please provide a written response to this letter within 14 days of receipt.

Sincerely,



Harry Kallipolitis
Storm Water Coordinator
Division of Surface Water
Central District Office

c: Jeff Bohne, Water Quality Supervisor, DSW/CDO