



Environmental
Protection Agency

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

May 2, 2012

Mr. Ben Herron
Supervisor, Streets and Grounds
City of West Milton
701 South Miami Street
West Milton, OH 45383

RE: Storm Water Program Evaluation, NPDES permit # 1GQ00024

Dear Mr. Herron:

On Thursday, March 22, 2012, I conducted a "screening evaluation" of West Milton's storm water management program. The City was represented by you, Tim Swartztrauber and Matt Kline. The evaluation consisted of discussions of the 6 "Minimum Control Measures" (MCMs) that provide the framework for municipal storm water programs. The intent was to evaluate program activities over the first permit term, from 2003 to 2008. Since this is proving to be impractical, evaluations are instead focusing on recent program activities and how they jibe with information provided in the City's original Storm Water Management Plan (SWMP) from 2003.

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 storm water program reviews will likely 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 SWMP, recent annual reports, and our discussion, I offer the following observations:

MCMs 1 and 2 – Public Information, Participation, Education and Outreach Because West Milton's original SWMP is outdated, recent annual reports provide a better understanding the City's efforts with respect to the requirements of this MCM. It's clear from reading these reports that the City is actively involved in educating its residents, both on its own and in collaboration with the Miami Conservancy District (MCD). However, the plan must be revised to provide the basics of the City's outreach and education efforts, and what it reasonably expects to do in the future. Where MCD fits in with these efforts should also be mentioned in the revised plan, which is intended to provide a basic roadmap of activities. Specific activities undertaken in a given year can then be provided in that year's annual report.

In its revised SWMP, the City should also explain how it intends to use its overhauled website to inform its residents about storm water issues. Besides containing current information about storm water issues, the website should contain archived articles or publications previously provided to West Milton's residents. Lastly, the updated site should contain links to websites managed by Ohio EPA and U.S. EPA to assist interested residents who might want to learn more about storm water management. The revised SWMP can provide specific web addresses and directions for locating archived storm water information and other materials.

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Hard copies of articles about storm water issues sent to residents must be included with annual reports if the articles are not archived electronically, or if they have been sent in previous years.

While the current version of the small MS4 general storm water discharge permit has no specific requirement for regulated communities to devote portions of their websites for this purpose, it seems logical to make information available in this way. It's difficult to determine if basic storm water information provided to residents leads to improved water quality, but MS4s can at least say with certainty that information about storm water issues is available to those interested enough to find it.

The City is also hoping to create some short storm water themed videos for broadcast over its public access cable TV channel. If this approach is something that could be done each year, the revised plan should explain the process the City will use to develop these videos, and the frequency with which it expects to broadcast the completed pieces. Annual reports can then provide scripts or other information related to the content of the videos and explain the frequency with which the pieces were broadcast.

A second copy of the Ohio EPA-produced storm water video "Tempest in a Channel: Stormwater Runoff's Impact on Urban Streams" has been included with this letter. Tapes and/or DVDs were sent to every MS4 in the state in late 2005, but it's not clear if West Milton ever broadcast the piece over its cable station. It's hoped that the City can find time on occasion to broadcast the video, which is about 15 minutes long.

As a reminder, future program audits will focus on the following performance standards:

MCM 1 - Performance Standards West Milton'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. Storm water public education and outreach shall reach at least 50 percent of the MS4's 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 West Milton's storm water public involvement and 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)

IDDE Ordinance While the City appears to be diligent in checking storm sewer outfalls and catch basins for signs of contamination and other problems, it's not clear what ordinance (or other regulatory mechanism) would be relied on to address chronic discharges to the system. Information reviewed after our meeting (Chapters 50.12, 50.14 and 51.04 of West Milton's

Codified Ordinances) could all be useful under the right circumstance, but the ordinance required by the small MS4 general permit is intended to address illegal discharges of wastes or inappropriate materials to storm sewers managed by the City. Said ordinance should at a minimum empower city officials to access the source of a suspected illicit discharge, and also provide for enforcement if the problem persists. The language of the 3 sections of the City's code cited above does not appear adequate to meet these needs. If the City feels it can make existing language work in those rare situations when illicit dumping into storm sewers continues, the revised SWMP should provide an explanation.

Language in a couple of sections of Chapter 51.14 (Storm Sewer Discharge) is problematic for two reasons. First, part (A) seems to imply that materials could be discharged from "industrial or business establishments" if approved by the City's Director of Services. The small MS4 general stormwater discharge permit restricts the use of storm sewers to accepting only discharges of clean runoff, with some exceptions, such as firefighting water, routine fire hydrant flushing, and so on.

Second, Chapter 51.14 (C) states that "all cooling water may be discharged to storm sewers or to a municipal approved natural outlet". Note that discharges of non-contact cooling water can only be done under coverage of a general non-contact cooling water permit issued by Ohio EPA. The village must revise this language accordingly.

West Milton's revised SWMP must also include a general description of the manner in which the City takes and deals with complaints about illicit discharges to its storm sewers. The revised plan must include a summary version of the City's IDDE plan.

Mapping West Milton's storm sewer network is fully mapped, and it is assumed that all outfalls have been mapped too. The revised SWMP should state this fact, and explain which city department is responsible for maintaining the completed map and for incorporating future updates. The revised plan should also discuss the City's intention to put the system on to a Geographic Information System (GIS), and provide a schedule for completing the task.

Home Sewage Treatment Systems (HSTS) It's believed that residential septic systems are no longer present within West Milton. If this is the case then it should be stated in the revised SWMP. If remaining systems are found which happen to discharge to the City's storm sewer network, then a list of addresses which use these systems must be included in the revised SWMP. If the City is still testing to determine if discharging home septic systems are present, then the revised plan should explain how testing is done, how much is left to do, and provide a schedule for completion of the task.

The revised SWMP should clarify the above points, and include a discussion about how the City will go about connecting discharging systems (if any are found) to sanitary sewers.

Dry-Weather Screening West Milton has been actively screening its storm sewer outfalls, and in recent years has inspected all of its outfalls. The City must revise its SWMP to explain this fact, and also explain that it intends to inspect all its outfalls each year if such is still the case.

The revised plan must also explain in general terms what the City would do if an observed discharge were to be something other than just groundwater. Will samples be taken by city staff and field tested for basic chemical parameters such as pH or specific conductance? Or will

sampling and analyses be handled by a contractor? Could the lab at West Milton's wastewater plant be used to do more involved chemical screening?

Many possible scenarios exist when it comes to identifying an illicit discharge. Because of this unpredictability, the expectation for MS4 storm water plans is that a general plan of attack be described. Information about specific illicit discharge situations and how they were resolved can be included in the appropriate year's annual report.

Future program audits will focus on a modified form of the following performance standards:

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

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 Storm water Runoff Control West Milton does not appear to have an ordinance (or other regulatory mechanism) in place to address erosion and sediment control requirements at construction sites. The ordinance is also expected to address other potential pollutants that can be carried from active construction sites in runoff, such as concrete washout. Portions of the City's current ordinances pertaining to land usage and subdivisions (provided to me and reviewed after our meeting) are not adequate to address the requirements of this MCM.

A general description of the process construction projects follow from initial proposal to final approval (with emphasis on erosion and sediment control requirements) must be included in the revised plan. Reference can be made in the narrative to supporting regulations, and the complete ordinance (or relevant parts of different ordinances) can be included as an attachment to the revised plan. A summary of how enforcement actions would be taken against chronic violators should be included in this revised narrative.

Ohio EPA's expectation regarding storm water management at construction sites is that local ordinances be at least as stringent as the technical requirements found in the state's general NPDES permit issued to construction sites that disturb more than one acre of land. The easiest way to meet this standard is to incorporate the permit by reference in to the appropriate part of the City's codified ordinances. (Because the construction permit is revised and reissued every 5 years, reference should be made - if the City chooses this approach - to the "current version" of the permit, as opposed to the specific general permit number, which changes with each revision.)

Inspection records were not requested during the program review. A sample of the inspection form(s) used to document construction site inspections should be included as an attachment to the revised SWMP. The revised plan should also state that inspections of regulated construction sites will be done at the beginning of new projects, and at least monthly, as required by the current version of the small MS4 general permit.

Other things to keep in mind with respect to this MCM when revising the City's SWMP:

MCM 4 - Performance Standards West Milton'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 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 West Milton'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 Storm water Management in New Development West Milton also does not appear to have an ordinance or other regulatory mechanism in place to address post-construction storm water management requirements as stipulated by this MCM. The intent is to have new developments install structural and/or non-structural practices to "treat" a certain volume of runoff before it leaves the property. Information contained in the sections of West Milton's codified ordinances that you sent upon request after our meeting appears to address conveyance of surface runoff only, which is important, but does not speak to water quality concerns.

West Milton's revised SWMP should include a discussion of how the City will incorporate within its review/approval process the post-construction best management practices (BMPs) that are proposed for new development projects. (A list of accepted post-construction BMPs is included on page 23 of Ohio EPA's general construction permit). Any ordinance (or other regulatory mechanism) the City develops should not restrict the use of these practices.

The revised plan should also discuss how Operation and Maintenance (O&M) agreements will be created and implemented for new developments. The intent of O&M agreements is to ensure that post-construction storm water management practices remain functional.

West Milton should consider the following performance standards for MCM 5 when it revises its SWMP:

MCM 5 – Performance Standards West Milton'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

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 the City'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 Municipalities Little time was spent discussing this part of West Milton's storm water program. Portions of the original SWMP may be used in the revised plan to explain the City's practices regarding vehicle maintenance activities and associated waste management practices, as well as salt management practices. The revised SWMP must discuss the City's approach to management and use of pesticides, herbicides and fertilizers (if such materials are even used); if these materials are no longer used, the plan should state this. Roadway deicing salt storage and usage should be discussed as well, especially since the City has changed its strategies in recent years and has successfully reduced the amount of salt it needs. The revised SWMP must also include a general explanation about employee training with respect to materials usage and storm water management; for example, is training done in house or contracted out?

Because West Milton's annual reports do not follow the prescribed format, certain information is not being included that Ohio EPA expects to see. Quantities of deicing salts, herbicides, pesticides and fertilizers that have been used in the past year must be reported. The volume of street sweepings collected must also be reported, along with an explanation of how sweepings are managed. Lastly, details of specific training given to relevant city employees should be included in the appropriate year's annual report.

The revised SWMP should also speak in general terms to improvements the City has made in recent years with respect to materials management and usage. If opportunities exist for being even more efficient with its use of the materials listed, the revised plan should discuss these opportunities and what it would take to make the needed changes.

MCM 6 - Performance Standards West Milton'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 West Milton's operation and maintenance program.

Conclusions West Milton's original SWMP, which followed a generic model plan created by the Miami Conservancy District, is now outdated and inaccurate. Recent annual reports provide a more accurate description of the City's current storm water program than the original plan.

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Therefore, I am requiring the City to revise its plan so that it (1) accurately reflects current activities undertaken by the City and (2) is intelligible to the average reader. The revised plan must be prepared by the time the next small MS4 general permit is issued, in January 2014.

The revised plan should include as attachments or appendices the relevant portions of updated IDDE, construction and post-construction ordinances, and provide descriptive summaries of these ordinances within the narrative of the plan. Within 30 days of receipt of this letter, please provide a schedule that the City thinks it can reasonably follow in order to develop and implement the needed regulatory mechanisms required by the small MS4 general permit.

The goal of rewriting the plan is to have a document that will provide a decent overview of the City's storm water management program that will remain relevant several years in to the future.

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,

A handwritten signature in black ink, appearing to read "Chris Cotton". The signature is stylized and cursive.

Chris Cotton
Environmental Specialist II
Division of Surface Water

CC/tf

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

