



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

March 28, 2013

Mr. Thomas Braun  
Safety-Service Director  
City of Cheviot  
3814 Harrison Ave  
Cheviot, OH 45211

**RE: Storm Water Program Evaluation, NPDES Permit 1GQ00072\*AG**

Dear Mr. Braun:

On Wednesday, February 27, 2013, I met with you to evaluate the city of Cheviot's storm water management program. Mark Kluesener from CDS Associates was also present at this meeting. The evaluation consisted of discussions about the 6 "Minimum Control Measures" (MCMs) that provide the framework for municipal storm water programs.

The intent of this cursory review was to discuss ways to improve Cheviot's storm water management plan (SWMP). The balance of this letter includes suggestions on how the City can revise its SWMP so that its program can demonstrate compliance with current requirements. Note that future storm water program reviews are likely to be true audits, and will look at each component of the program in greater detail.

Cheviot's situation with respect to storm water management regulations is unusual because only about 6 percent of its land area (0.08 square miles out of 1.2 square miles) drains to separate storm sewers. Technically, storm water program requirements only apply to the areas served by separate storm sewers. In the future, as combined storm and sanitary sewer lines are separated, larger areas within the City will be regulated. The SWMP can be modified accordingly to reflect these changes.

Based on my review of Cheviot's current storm water management plan (drafted in August 2011), and our discussions, I offer the following observations and recommendations:

**MCMs 1 & 2 Public Education, Outreach, Involvement and Participation**

Cheviot's SWMP should elaborate on its use of the internet as a way to inform its residents about storm water management issues. The revised plan should include the address that is needed to access relevant parts of the city's website. Links to other websites at which storm water information can be obtained should also be included.

Storm water program annual reports should contain specific information about the materials made available during the previous year, such as titles of articles and the sources from which

they were obtained. (The articles do not need to be included with the annual reports.) The City should also consider archiving this information on its website, and provide instructions in its SWMP to assist with its location. Numbers of hardcopy pamphlets or brochures taken during fairs or festivals, or from Cheviot's Municipal Building, should be tracked and provided in subsequent annual reports.

Cheviot has the option of providing storm water information to only those residents within the approximately 50 acre section of the city that drains to Taylor Creek. This would pertain mainly to information provided by mail. From a practical standpoint it may not make sense to split out this small area for the purpose of providing relevant storm water information. Whichever approach the city takes should be discussed in its revised SWMP.

The revised SWMP should contain phone numbers or other information that would allow residents to contact the city with a storm water complaint. Establishing a hotline solely for water quality complaints is probably not worth the expense. The means by which residents now report complaints, no matter the type, should be sufficient. The revised SWMP should discuss how the city would respond to a complaint that was in some way related to storm water.

Because storm water regulations apply to such a small portion of the city, opportunities for meaningful public involvement activities will be rare. The revised SWMP should explain this. Specific involvement activities that do take place can be included in annual reports.

### **MCM 3 – Illicit Discharge Detection and Elimination (IDDE)**

**Mapping** Cheviot has completed mapping of its storm sewer network, but this is not clear from reading the current version of its SWMP. The revised plan should mention this point. The revised SWMP should also explain where the map can be found, and which city department is responsible for updating it.

**Home Sewage Treatment Systems** The revised SWMP should state that no home septic systems, discharging or otherwise, are present within Cheviot's jurisdictional area.

**Illicit Discharge Ordinance** The revised SWMP should explain the ordinance (or other regulatory mechanism) Cheviot will use in the event it discovers an illicit discharge to its separate storm sewer network. The ordinance should include language that allows city staff to legally access and investigate suspected sources, as well as provisions for penalties or other enforcement for those rare instances when dumping continues to occur. The revised SWMP's narrative need only discuss the basics of this ordinance; the entire ordinance can be included as an attachment to the plan.

**Dry Weather Screening of Outfalls** – Cheviot's revised SWMP should discuss how it will go about screening the small number of storm sewer outfalls that come from its separate storm sewer system. The revised SWMP should reflect the reality of Cheviot's situation, i.e., few outfalls are present, all are in residential areas, and the need for an involved program is minimal.

The revised SWMP should also explain the basic approach Cheviot would take in the event an illicit discharge is actually discovered. Can City staff do basic chemical screening of an unknown substance found coming from a storm sewer outlet, or would it contract out this work? Does the City have access to a lab at which basic chemical screening could be done? In the absence of a particular situation, it's impossible to predict what specific actions would be taken. But a basic game plan could be described in the SWMP. Specific details about how an illicit discharge has been handled can be provided in subsequent annual reports.

As storm and sanitary sewer lines are separated in the future, the need to invoke a more substantive outfall screening program will become apparent. Changes can be made to the City's storm water plan accordingly.

#### **MCM 4 – Construction Site Storm Water Runoff Control**

The revised SWMP should explain that the City is largely built out, and that few new construction projects disturbing more than an acre of land will occur in the small area of the City served by separate storm sewers. Construction projects taking place on land that drain to combined sewers are not legally required to abide by construction permit rules administered by Ohio EPA.

If new development is planned in the separate storm sewer area, the revised SWMP should discuss the review process the project would follow from initial proposal to final approval, and cite the relevant sections of the ordinance created and implemented by Hamilton County's Storm Water District. The actual ordinance can be included as an appendix or attachment, or it can be archived electronically. If the latter, instructions for finding the document online should be included in the revised SWMP.

The revised SWMP should include blank copies of forms that will be used to document construction site inspections. Completed inspection forms do not need to be included with annual reports, but must be made available upon request during future storm water program audits.

#### **MCM 5 Post-Construction Storm Water Management in New/Re Development**

The revised SWMP must reference specific sections of the Hamilton County Storm Water District's regulations which pertain to post-construction storm water management requirements for new development. The revised plan must also explain how operations and maintenance (O&M) agreements would be created and implemented for applicable development projects.

The revised plan should also explain that other potential post-construction practices besides detention basins could be acceptable if proposed for use on newly developed property. Detention basins will likely remain the most commonly used BMP, but other approaches exist that could see use in certain situations. The City will have to rely on wording from the Hamilton County Storm Water District's ordinance that should at least consider the possibility of using other strategies to improve the quality of runoff from new developments.

Ohio EPA's general construction permit for storm water discharges is revised and reissued

every 5 years, at which time its number (currently OHC000003) is also changed. The next generation of this permit will be numbered OHC000004, and is to be issued in April, 2013. To avoid referencing outdated versions of this permit in both its SWMP and storm water related ordinances, it is suggested that it be referred to as "the current version of Ohio EPA's construction permit", or something similar.

### **MCM 6 Pollution Prevention/Good Housekeeping for Municipal Operations**

This aspect of the City's program was not discussed in great detail, but information contained in the Cheviot's current SWMP suggests that the amounts of various materials used by the City, specifically road salt, pesticides, herbicides and fertilizers, are being tracked each year. Total amounts used should be provided in storm water program annual reports. The amount of debris collected from street sweeping activities should be provided, along with a description of how sweepings are managed prior to disposal.

For the purposes of Cheviot's revised SWMP, the types of training offered to relevant staff should be discussed in some detail, with specific events and number of attendees provided in subsequent annual reports. The revised plan should also speak to changes made by the City in recent years that have led to more efficient use of materials, especially deicing salts and pesticides/herbicides. Many of these changes have been driven by fiscal necessity, but some changes are due to improved application technologies and better equipment. If the City sees additional opportunities for further reductions in the amounts of these materials it uses, this should be discussed in the revised plan.

Lastly, if Cheviot modifies its application of some or all of these materials in the section of the City that is not on combined sewers, this should also be discussed in the revised plan.

### **Conclusions**

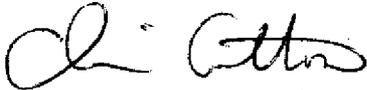
From my cursory review of its plan and our discussions, it appears Cheviot is addressing most of the requirements imposed by its small MS4 general permit. Given that most of the City drains to combined sewers, and is largely built out besides, it's clear that the need for a vigorous storm water management program focused on improving water quality is not one borne out of practicality. Nevertheless, Cheviot's status as a small MS4 compels it to develop and implement a storm water program around USEPA's 6 "minimum control measures" just like hundreds of other communities across the state. As storm and sanitary sewer lines are separated in the future, larger portions of the City will be bound by storm water management regulations.

Cheviot should work towards updating its plan based on the suggestions put forth in this letter, with the goal of having the rewritten plan in place by the time the next small MS4 permit is implemented in early 2014. The revised plan should be written in a way that allows an average reader, who's intelligent but ignorant of storm water management specifics, to gain a decent overall understanding of the City's program and how it attempts to comply with NPDES permitting requirements. If there is interest in getting OEPA feedback on the revised plan as it is being prepared, feel free to send me draft versions of chapters for review.

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If you have questions about anything in this letter, or about Ohio EPA's expectations for a revised storm water management plan, I can be reached at (937) 285-6442 or via email at [chris.cotton@epa.ohio.gov](mailto:chris.cotton@epa.ohio.gov).

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  
Environmental Specialist  
Division of Surface Water

CC/kb

ec: Anthony Robinson, OEPA/DSW/CO

