



STATE OF IOWA

TERRY E. BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
CHUCK GIPP, DIRECTOR

CERTIFIED MAIL

May 9, 2017

John Bender
City of Hiawatha
101 Emmons St.
Hiawatha, IA 52233

RE: Municipal Separate Storm Sewer Permit (MS4) permit assistance visit, Permit No. 57-35-0-00

Dear Mr. Bender:

On May 2, 2017, I conducted a compliance assistance visit of the City's MS4 program. Enclosed is the report resulting from the visit. A summary of findings is included at the conclusion of the report.

As we discussed, this visit was not an inspection but rather a permit assistance visit. Its purpose was to help the City understand its obligations under the MS4 permit and to note any areas of the City's program which may be inconsistent with the permit requirements. The report does not require the City to implement any measures or respond to this letter though it does caution that some of the inconsistencies found during the visit could be considered violations should a comprehensive inspection be conducted by the Department or EPA.

If you have any questions or comments concerning this matter please contact me at 515-725-8417 or at joe.griffin@dnr.iowa.gov

Sincerely,

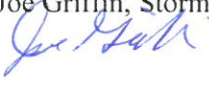
A handwritten signature in blue ink, appearing to read "Joe Griffin".

Joe Griffin
NPDES Section
Environmental Protection Division

Enclosure: Report of Assistance Visit

cc: Field Office 1 with enclosure

IOWA DEPARTMENT OF NATURAL RESOURCES		
Storm Water Program 502 E. 9 th St., Des Moines, Iowa 50319-0034 Phone: (515) 725-8417 FAX: (515) 725-8202		
REPORT OF ASSISTANCE VISIT		
VISIT DATE	CURRENT: May 2, 2017	PREVIOUS:
TO: City of Hiawatha 101 Emmons St. Hiawatha 52233		
SUBJECT: Storm Water MS4 Assistance Visit Iowa NPDES Permit No: 57-35-0-00		
PERSONS CONTACTED: John Bender - City Engineer Patrick Parsley - Community Development Director Jim Fisher - Assistant Building Official Jerry Youtsey - Building Inspector Rick Harbough - Engineering Inspector		

AUTHENTICATION	
DEPARTMENT CONTACT: Joe Griffin, Storm Water Coordinator, Environmental Specialist Sr. 	DATE: 5/9/17

Introduction

A permit assistance visit was made on May 2, 2017 to the Hiawatha Municipal Separate Storm Sewer System (MS4) program. The visit was to evaluate efforts by the City to comply with its MS4 permit and provide input to assist in this. The City's current permit was issued on February 1, 2016 and expires January 31, 2021 and covers all areas within the city limits served by the MS4. DNR personnel present during the visit was Joe Griffin of the central office.

The MS4 permits contain many requirements, most of which are classified into six minimum control measures. The requirements in three of these measures were examined during this visit. These were Illicit Discharge Detection and Elimination, Construction Site Storm Water Runoff Control and Post-construction Storm Water Management. Activities the City has implemented to comply with the requirements included in these three measures were discussed and evaluated.

Illicit Discharge Detection and Elimination

The City's illicit discharge ordinance was adopted in 2007. An examination of the ordinance indicates that its contents meets the requirements in the MS4 permit.

It is reported that the City annually inspects all the outfalls for dry weather flows and the presence of non-storm water discharges. Dry weather flows are visually checked for odor, color, clarity, etc.

No illicit connections have been detected.

The City has a map of its public storm sewer system including all outfalls and piping.

The city does not televise new storm sewer lines.

Street sweepings are taken to a landfill.

The City requires swimming pool filter backwash water to be discharged to the sanitary sewer. The pool water is required to be de-chlorinated prior to discharge to a drainage tile or storm sewer. If not de-chlorinated, the water must be discharged to the sanitary sewer.

The City's road salt is stored under cover.

Construction Site Storm Water Runoff Control

The City's erosion control ordinance was adopted in 1997 and amended in 2003. An examination of the ordinance indicates that its contents meet the requirements in the MS4 permit.

The City has approximately 1 FTE to enforce the storm water construction site requirements. Other City inspectors are trained to recognize deficiencies and contact the storm water staff. An average of approximately 30 single-family houses are built each year.

The program is funded by utility fees, site plan review fees, filling, grading/building and erosion control permits and storm water hookup fees. The utility fee is \$3.50/month for each customer. The other fees vary and are from \$60.00 to \$200.00 depending on type.

Applicants must submit a SWPPP and general permit authorization prior to receiving the filling, grading and erosion control permit. The City also checks the Department's storm water database.

The SWPPPs for residential developments are reviewed by the Building Department and by the Engineering Department for commercial developments. Both are reviewed for completeness and most are accepted at the first submission. If the SWPPP does not meet GP2 requirements the SWPPP will be returned and the deficiencies must be satisfactorily addressed. The reviewer does not visit the sites prior to plan approval though does visit them after approval to ensure controls are in place. A gravel entrance and perimeter controls must be in place before soil-disturbing activities are allowed to commence.

The City does not require that SWPPPs be prepared by a credentialed individual though most are prepared by engineering firms.

Site plans (mini-SWPPPs) for building lots are required to be submitted with the building permit application and are reviewed for compliance. The City requires transfer agreements be submitted for residential developments.

Formal quarterly inspections are conducted on all permitted sites with informal inspections conducted irregularly and as needed. The City does inspect the individual lots but does not document these inspections. The lot inspections may be conducted en masse in a development but the individual compliance status of each lot, including weekly inspections, must be noted (by lot number or address) to document the City's

compliance with its MS4 permit. Without this documentation, the City could be considered in violation of its inspection requirements should a comprehensive inspection be conducted by the Department or EPA.

It is reported there is a low compliance rate regarding weekly inspections by GP2 permittees on residential lots. The City is urged to increase its compliance efforts to ensure these weekly inspections are being conducted.

Permittees are generally notified prior to inspections. The Department recommends permittees not be notified prior to inspections. Violations are noted on about 25% of residential sites and about 10% of commercial sites.

When violations are noted during an inspection, the City emails a notice of violation and schedules another inspection in 1-2 days. If there are still violations, another email is sent. Fines may be issued as municipal infractions and stop work orders may be issued but neither have been used.

The City may wish to consider implementing a system in which such offenders are penalized more quickly and severely by more frequent use of stop work orders as the goal of the program is to prevent violations rather than react to them.

As noted above, informal inspections are conducted by the City between the quarterly inspections and other city employees also observe sites when in the area and report questionable conditions.

Trackout is required to be removed by the end of the working day.

The City reports the most common complaints are regarding trackout. No fee is charged for investigating complaints for which violations are found. The City may wish to consider charging such a fee when complaints are found to be valid in addition to any monetary violations imposed.

City projects are inspected weekly by City personnel.

The City requires designated concrete washouts be contained using bags or lined containment areas above or below ground. Signage is required. When improper concrete washout is documented, both the GP2 permittee and the concrete company are notified.

It was reported that the 14/21 day requirement for stabilization of areas is being enforced when possible. If a permittee is ordered to comply with this requirement, a follow-up inspection is conducted to ensure compliance is achieved.

The City does not enforce the GP2 requirement that topsoil be preserved when feasible. The topsoil preservation requirement begins with the SWPPP review. The GP2 permittee must indicate in the SWPPP what is to be done to comply with the requirement to preserve topsoil, unless infeasible. The amount of topsoil that is on the site prior to construction is to remain on the surface of the ground after construction is complete except in those areas where the use precludes this practice. The GP2 permittee must then indicate in the SWPPP how this is to be achieved. If the topsoil is not removed, the stockpile location must be indicated on the site plan and the sequence of events detailed. If it is removed and returned or replaced, the details of this procedure must be indicated. If the GP2 permittee has decided that topsoil preservation is infeasible, this must be explained in the SWPPP and the City must evaluate the validity of the claim and require topsoil preservation if the claim of infeasibility is determined to be invalid. The thickness of topsoil at the site prior to commencement of soil-disturbing activities must be indicated in the SWPPP if topsoil preservation is to be implemented.

If topsoil preservation has been implemented, the City must check that it has been achieved after construction is completed. Taking samples with a soil probe at an appropriate number of locations and noting the proper type of soil of suitable thickness is on the surface is sufficient for verification. This should then be documented in the City's inspection records.

The City is reminded that should the City not ensure topsoil preservation, unless infeasible, has been achieved on sites permitted under GP2, this would be considered a violation should a comprehensive inspection be conducted by the Department or EPA.

The City does not require permittees to copy the City when a notice of discontinuation (NOD) is sent to the Department. It is not a requirement of the MS4 permit but the Department requests the City require permittees to copy the City when NODs are sent to the Department as this would minimize the instances of invalid NODs being submitted. Should the GP2 permittee discontinue a site prematurely and the Department terminates permit coverage, the City would still be responsible for requiring compliance and inspection of these sites. This would include requiring the GP2 permittee to reinstate permit coverage should such permit coverage be prematurely discontinued.

The City was aware of the storm water database but not of the auto-email feature. During the visit, this feature was demonstrated to the City. A few expired authorizations were noted. As the auto-emails indicate recently expired authorizations, the City can more easily ensure these sites are expeditiously renewed or discontinued, whichever is appropriate. The City is reminded of its obligations to enforce the requirements of GP2 including the renewal of active sites and the discontinuation of sites that have reached final stabilization.

During the visit, five construction sites were visited. The Pines at Turtle Creek, 26459-26214, and Dell Ridge Additions, 26021-25772, seemed generally well managed. Longfellow Square 9th Addition, 25877-25636, had a soil stockpile that needed proper stabilization. Rolling Prairie Estates 2nd Addition, 25151-24895, had some lots which had not been worked for quite some time and that needed stabilization. A downed silt fence was also observed there. R & S Properties Addition, 25387-25141, needed to have the 14/21 day stabilization requirement of GP2 enforced as there were some large areas that had not been worked for quite some time that needed stabilization.

Post-construction Storm Water Management

The City's post-construction storm water management ordinance was adopted in 2003 and is scheduled to be amended in 2017. An examination of the ordinance and City Code indicates the contents meet the requirements in the MS4 permit.

The ordinance requires the implementation of post-construction runoff detention practices for all new developments generating sufficient runoff that it adversely affects the carrying capacity of the receiving water body or watercourse. Runoff from the fully developed area shall not exceed the rate of runoff generated by the developed area prior to development for a 5-year storm event. Storage capacity is to be adequate to store the excess runoff above this amount up to and including a 100-year storm event.

The designer of the post-construction plans certifies they meet the City's criteria and re-certifies every 5 years.

Nearly all new post-construction control structures are located on private property. The owners of the property are responsible for inspection and maintenance. If maintenance is not conducted, the City can conduct the maintenance and assess the owner for costs.

The City is drained by Indian Creek, Otter Creek, Ushers Ferry Creek and Dry Creek.

A comprehensive stream assessment has been conducted for Indian Creek. No assessment has been conducted for the other creeks. The City is reminded this is a permit requirement and could be considered a violation should a comprehensive inspection be conducted by the Department or EPA.

Recommendations and Permit Requirements

The City does inspect the individual lots but does not document these inspections. The lot inspections may be conducted en masse in a development but the individual compliance status of each lot, including weekly inspections, must be noted (by lot number or address) to document the City's compliance with its MS4 permit. Without this documentation, the City could be considered in violation of its inspection requirements should a comprehensive inspection be conducted by the Department or EPA.

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