



Hamilton County Storm Water District

Administered by the Hamilton County Engineer's Office – Eric J. Beck, County Engineer
 in partnership with the Hamilton County Soil and Water Conservation District
 the Hamilton County Department of Planning & Development,
 and the Hamilton County Public Health Department

Website: <http://www.hcswd.org>

Hamilton County Storm Water District

90TH Oversight Draft Board Minutes

September 9, 2020

2:00 p.m.

Virtual Meeting

Board Members Present	Board Members Absent
Eric Beck – Hamilton County Engineer	Andrew Pappas – Hamilton County Township Association
Joseph Honerlaw – Hamilton County Township Association	Victoria Parks – Hamilton County Commissioner
Mark Quarry – Hamilton County Municipal League	
Alternates Present	Alternates Absent
Merrie Stillpass – Hamilton County Municipal League	Lisa Daria – Hamilton County Commissioner's Office
Frank Birkenhauer – Hamilton County Township Association	
Jennifer Kaminer – Hamilton County Municipal League	

Guest Name	Organization
Nancy Ellwood	CDM Smith
Dora Hamblin	CDM Smith
Gary Heitkamp	City of Montgomery
Todd Long	Hamilton County Engineer's Office
Kate Moran	CDM Smith
Ben Poole	Hamilton County Planning & Development
Ryan Wuest	Hamilton County Public Health

1) **Meeting Called to Order**

Chairman Honerlaw called the 90th Oversight Board Meeting to order at 2:00 p.m. Virtual meeting conducted using the Zoom online platform with meeting materials displayed in a PowerPoint presentation.

2) **Introductions**

Introductions of the Oversight Board and Alternate Members were made.

3) **Approval of Minutes:**

Vice Chairman Quarry moved to approve the minutes from the 89th Hamilton County Storm Water District (HCSWD) Oversight Board Meeting dated May 27, 2020; seconded by Alternate Board Member Stillpass; and the motion carried.

4) **Unfinished Business:**

- A) Update on adoption of amended Article I, III, and V District Regulations

Mr. Long presented the status of Co-Permittee adoption of amended Article I, III and V District regulations which were revised to meet the Ohio EPA Construction General Permit requirements. The amended regulations were adopted by Board of County Commissioners on September 12, 2019 – automatically covering adoption by District townships. The municipalities are required to adopt the amended regulations individually. Materials were sent to municipalities on January 3, 2020. As of today, all but two municipalities have adopted either an ordinance or resolution. The District has been working with the remaining municipalities and have received their time table for adoption. Accordingly, the District has been checking in with them to make sure we keep everyone in compliance.

5) **New Business:**

A) Update on District comments to Ohio EPA on the proposed MS4 General Permit

Mr. Long discussed the MS4 General Permit issuance and stated the District met the deadline for submitting comments to Ohio EPA on the draft permit.

- Vice Chairman Quarry thanked Mr. Long for a great job in consolidating the comments on the proposed changes and submitting comments on time.
- Mr. Long extended his thanks to the staff at CDM Smith for their assistance and noted this was a team effort. He stated that CDM Smith has been a really good partner over the years, and that it makes a difference for the District.

Mr. Long described the following major changes in the proposed permit (noting that these were presented in more detail at the Oversight Board Working Session held on August 26, 2020):

- The new deadline for submitting an updated District Storm Water Management Plan (SWMP) is 180 days after the permit issuance – it was two years in the prior five-year permit term.
- New total maximum daily load (TMDL) performance standards have been introduced that will impact co-permittees municipalities and townships in TMDL communities. The District includes two TMDL watersheds – the Mill Creek Watershed and Lower Little Miami River Watershed. TMDL communities must meet these new performance standards if they remain in the final permit.
- All TMDL communities must be provided educational activities focused on two themes related to each identified TMDL pollutant.
- All TMDL communities must be provided two events targeting each identified TMDL pollutant over the permit term.
- All co-permittee education and involvement participation will need to be tracked and reported.
- Field screening of all outfalls during permit term – up to a total of 1,000 – will be required. It was noted that the District completed the required field screening program for all outfalls during prior permit terms. This proved to be an ineffective & inefficient means for identifying illicit discharges – only 31 illicit discharges were identified in inventory of 9,000+ outfalls.

Chairman Honerlaw asked what are they asking us to do with the outfalls that we didn't do before?

Mr. Long responded that the permit is not proposing anything distinctly different. The proposed language requires the District to continue dry weather screening of all outfalls – they did put an upper limit of 1000 – an approach that the District has demonstrated does not produce any fruit.

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- All dry weather flows observed at outfalls must be sampled.
- Pass ordinance or regulation requiring covering of salt piles at commercial, institutional, and non-NPDES permitted industrial facilities.
- Ensure all MS4 facility salt piles must be covered with no run-on & subsequent runoff of salt.
- Liquid deicing materials at MS4 facilities must have secondary containment or bollard/physical barrier protection.
- Each regulated MS4 TMDL community/co-permittee must either, retrofit a water quality basin, restore a channelized stream, or change regulations for design requirements to require green infrastructure practices where feasible.
- Each regulated MS4 TMDL community must develop and implement at least one of the following - a proactive street sweeping program, a proactive catch basin cleaning program, or a leaf/yard waste collection program.

It was noted that the new permit requirements and TMDL performance standards are costly, resource-intensive programs that do not necessarily identify illicit discharges or address identified TMDL pollutants.

Mr. Long described the following general District comments that were submitted to Ohio EPA:

- The new TMDL requirements will present a challenge to District co-permittees under the current economic conditions.
- Request leniency in timing of compliance due to additional financial hardships that would be imposed by meeting MCM5 and MCM6 performance standards during coronavirus pandemic.
- Increase time allowed to prepare SWMP from proposed 180 days to two years.
- Confirm that the District may include timelines to meet permit requirements in the SWMP.
- Modify the Appendix A listed TMDL pollutants to remove those outside MS4 control such as airport and some of the CSO and SSO problems not directly under MS4 permit, they have their own permit.

Chairman Honerlaw asked whether this permit had been vetted by the state congressional committee set up by the legislature and has there been an analysis of the cost burden to the taxpayer.

Mr. Long responded that there is a formalized process that Ohio EPA goes through including public notice and providing an opportunity for public comment on the draft. The Ohio EPA will review and respond to these comments. There is a state process that may go back to the legislature for feasibility review.

Mr. Long stated that the District was successful in providing the types of comments that Ohio EPA is seeking. They did not object to the changes across the board but provided alternatives. It is hoped they will take our advice and issue a reasonable permit that is not overly environmentally conservative, providing more protection than the District can afford right now.

There were further comments that the proposed changes could be financially harmful to the District's communities. Mr. Long clarified that the TDML performance standards are specific to those co-permittees that are in those watersheds – for

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instance, there is no TMDL for the Great Miami River watershed. The District comments asked for the flexibility to allow our District to do what it does best.

Chairman Honerlaw asked whether the new requirements reflect the entire community if that community is partly in the Little Miami Watershed or the Mill Creek Watershed.

Mr. Long and Ms. Ellwood (CDM Smith) responded that only the portion of the community in the watershed is affected. This could be an administrative burden to communities who are partly in or partly out – it could be better to be universally applied.

Chairman Honerlaw asked whether the Great Miami River Watershed was not affected because there are not enough TMDL studies, and asked if this something that could be coming?

Mr. Long responded that it is correct that there is not a TMDL study and therefore no TMDL pollutants identified for the Great Miami River Watershed. The potential Great Miami River TMDL is on the District's radar and will be issued once the studies are done.

Mr. Long finished the presentation with the following additional comments provided to Ohio EPA:

- Allow MS4s to use long-term IDDE surveillance programs that screen locations other than outfalls.
- Allow MS4s to define what is feasible for meeting performance standards.
- Allow MS4s the opportunity to propose alternatives to new performance standards when listed options are not feasible.
- Allow MS4s to work cooperatively with other communities to meet performance standards.
- Revise MCM6 reporting requirements away from reporting quantities of materials used and towards compliance with pollution prevention and good housekeeping.

Chairman Honerlaw asked whether there will be further opportunity to engage in dialogue with Ohio EPA, or do we wait until January?

Mr. Long responded that the District has submitted comments as part of their standard process. It is expected that the Ohio EPA will evaluate the comments and will provide responses. January is a best guess for the permit issuance date. Legislatively, there are other tools in our toolbox if that proves necessary. For example, we could involve our senators and representatives, but this is not something the District has done in the past.

B) Briefing of Partner Agencies on potential impacts of proposed MS4 General Permit:

An evaluation of potential impacts of proposed changes to the MS4 General Permit on Partner Agency resources was prepared and presented to the agencies on September 1, 2020. The following major impacts were identified:

- Develop new education & outreach/public involvement & participation activities focused on TMDL pollutants.
- Track participation in all activities/events by co-permittee.
- Provide additional technical support to co-permittees.

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- Ensure consistency in development plan reviews and construction inspections through standardized checklists/software & increased recordkeeping requirements.
- Document/standardize all enforcement protocols and actions as well as increase recordkeeping.
- Add capability to field test/sample all flowing outfalls.
- Revise MCM6 training & facility assessments to incorporate new co-permittee requirements.

C) Proposal to continue use of a virtual platform for District Meetings (Discussion)

Discussion was had and agreement was achieved, that virtual means are currently the best and safest option with all the uncertainty at this time.

6) **Further Announcements:**

A) Next Meeting Dates:

- Partner Agency Coordination Meeting – October 15, 2020 – 9:00 a.m. – Virtual Meeting
- Oversight Board Work Session – Wednesday, November 18, 2020 – 2:00 p.m. – Virtual Meeting
- Oversight Board Meeting – Wednesday, December 2, 2020 – 2:00 P.M. – Virtual Meeting

7) **Other Business:**

None

8) **Adjournment:**

With no further business Vice Chairman Quarry moved to adjourn the meeting; seconded by Alternate Board Member Stillpass; and the motion carried. the 90th Oversight Board meeting was adjourned by Chairman Honerlaw.

Respectfully submitted,

Eric Beck, P.E.-P.S.

Secretary/Treasurer for HCSWD