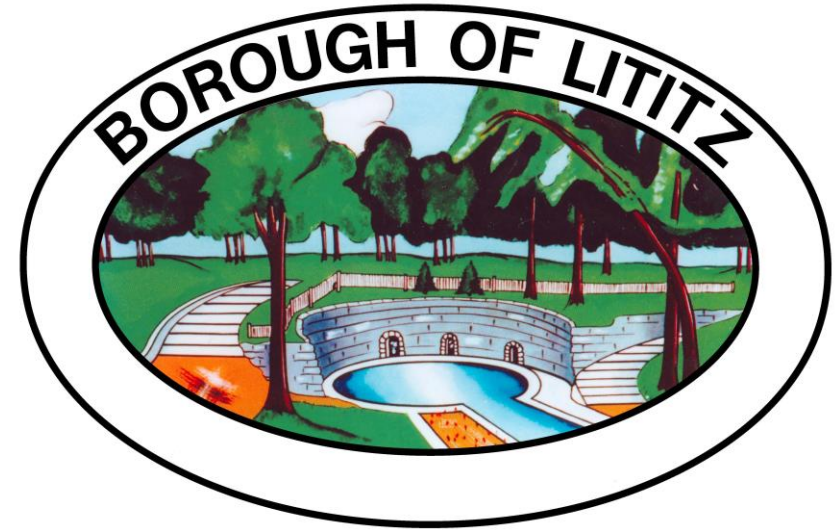


The EPA Audit Experience – Lititz Borough



SUE BARRY, MANAGER – LITITZ BOROUGH

ELIJAH YEARICK, AICP, DIRECTOR OF PLANNING – LITITZ BOROUGH

SCOTT HAIN – LITITZ BOROUGH COUNCIL

MIKE LASALA – LANDSTUDIES

Background

Prior to the audit, Lititz was covered under the 2003 General Permit for small MS4s as well as the subsequent 2013 update (PAG-13).

In the August 2014, the Borough received a call from the EPA requesting that we compile information and that we would be audited.

Background – What they wanted

- Program management documents (SWMP, NOI, Annual Reports, Organizational Charts)
- System mapping & BMP Inventories – with municipally owned facilities noted
- Stormwater ordinances & regulatory mechanisms
- Written procedures, tracking mechanisms, and violation tracking
- Inspection files
- Records of training

During the course of the audit, the Borough supplied EPA with over 70 different resources.

Background

By early September, the Borough received EPA's Administrative Order. It detailed their main focus areas, which corresponded to the Minimum Control Measures (MCMs) which are required to be part of a Stormwater Management Program.

Representatives of the EPA and their contractors audited our stormwater management program for two days in late October 2014. PADEP staff were also in attendance.

The Audit -- Attendance

- Three EPA Staff
- Four EPA contractors from Eastern Research Group
- Five PADEP Staff (Observers only)
- One staff member from the County Conservation District
- Five Consultants employed by the Borough
- 10 Borough Officials & Staff

The Audit – Focus Areas

Borough Garage

Borough Hall – Record Review

Borough Quarry – We were dumping street sweepings there

Active construction site in the Borough

Borough Vehicle washing protocol (DPW, Police, & Fire)

Borough owned stormwater facilities (Basins, CARA)

The Audit – The Experience



EPA Process

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
□□□□□	_____
□□□□□	_____
□□□□□	_____
□□□□□	_____

Management Practice Violations

B0019	Best Management Practice Deficiencies
B0024	Biosolids/Sewage Sludge Violation (Part 503)
B0026	Failure to Allow Entry
B0012	Failure to Conduct Inspections
B0027	Failure to Develop Adequate SPCC Plan
B0017	Failure to develop any or adequate SWPPP/SWMP
B0011	Failure to Develop/Enforce Standards
B0028	Failure to Implement SPCC Plan
B0018	Failure to Implement SWPPP/SWMP
B0041	Failure to Maintain Records
B0040	Improper Chemical Handling
B0023	Improper Land Application (non-503, non-CAFO)
B0020	Improper Operation and Maintenance

EPA's determination

The Borough received the EPA's report of the inspection in February of 2015.

EPA noted 13 observations, grouped under the headings of four of the MCMs that are required to be part of a stormwater management program.

MCMs

- 1) Public education & outreach
- 2) Public participation and involvement
- 3) Illicit discharge detection and elimination
- 4) Construction site runoff control
- 5) Post-construction stormwater management
- 6) Pollution prevention & good housekeeping for municipal operations & maintenance

MCMs

- 1) Public education & outreach
- 2) Public participation and involvement
- 3) Illicit discharge detection and elimination**
- 4) Construction site runoff control**
- 5) Post-construction stormwater management**
- 6) Pollution prevention & good housekeeping for municipal operations & maintenance**

Illicit Discharge Detection & Elimination (MCM 3)

Observation 1: At the time of inspection, Lititz did not have an accurate map that showed the location of all MS4 outfalls

Observation 2: At the time of inspection, Lititz was not conducting field screening of outfalls in the priority areas twice a year

Observation 3: At the time of inspection, the former Superintendent of Public Works stated that not all outfall field screening was conducted after 72 hours following a rain event.

Observation 4: While on site, [EPA] observed that Lititz did not have equipment or sampling kits to collect and analyze dry weather samples if needed during outfall field screening.

Construction Stormwater Runoff (MCM 4)

Observation 5: At the time of inspection, Lititz had not taken an enforcement action or issued a penalty for violations of erosion and sediment control (ESC) related provisions in their Stormwater Management Ordinance since the start of their permit coverage.

Observation 6: At the time of inspection, Lititz did not distribute educational materials to developers.

Post-Construction Stormwater Runoff (MCM 5)

Observation 7: During the inspection, [EPA] observed that Lititz may not be ensuring the installation of the stormwater detention basin at [an active construction site] as designed.

Observation 8: At the time of the inspection, it did not appear that Lititz had a system in place to monitor post-construction stormwater BMPs since the start of their permit coverage in 2004.

Pollution Prevention and Good Housekeeping for Municipal Operations (MCM 6)

Observation 9: At the time of the inspection, Lititz did not have baseline information and annual records documenting current conditions and required maintenance for municipally-owned stormwater control facilities

Observation 10: While on site, [EPA] observed that a detailed schedule for inspecting all stormwater facilities and performing operations and maintenance activities was not available, except for a street sweeping schedule.

Observation 11: At the time of the inspection, the Fire Chief stated that the Lititz Fire Department washes its vehicles outside in the driveway of the Fire Station.

Pollution Prevention and Good Housekeeping for Municipal Operations (MCM 6) – Cont.

Observation 12: At the time of the inspection, Lititz disposed of sediment, catch basin debris, vegetative debris, street sweepings, grass clippings, mulch, asphalt, and concrete at its Borough-owned “fill site” ...

Observation 13; While on site, [EPA] observed that Lititz did not have documentation indicating that all public works municipal employees received training about stormwater management and operations and maintenance of municipal facilities.

Follow-up

After receiving these observations, the Borough was asked to respond within 15 business days. A response was sent in late February 2015.

We heard nothing from the EPA until July 2016.



Meanwhile....

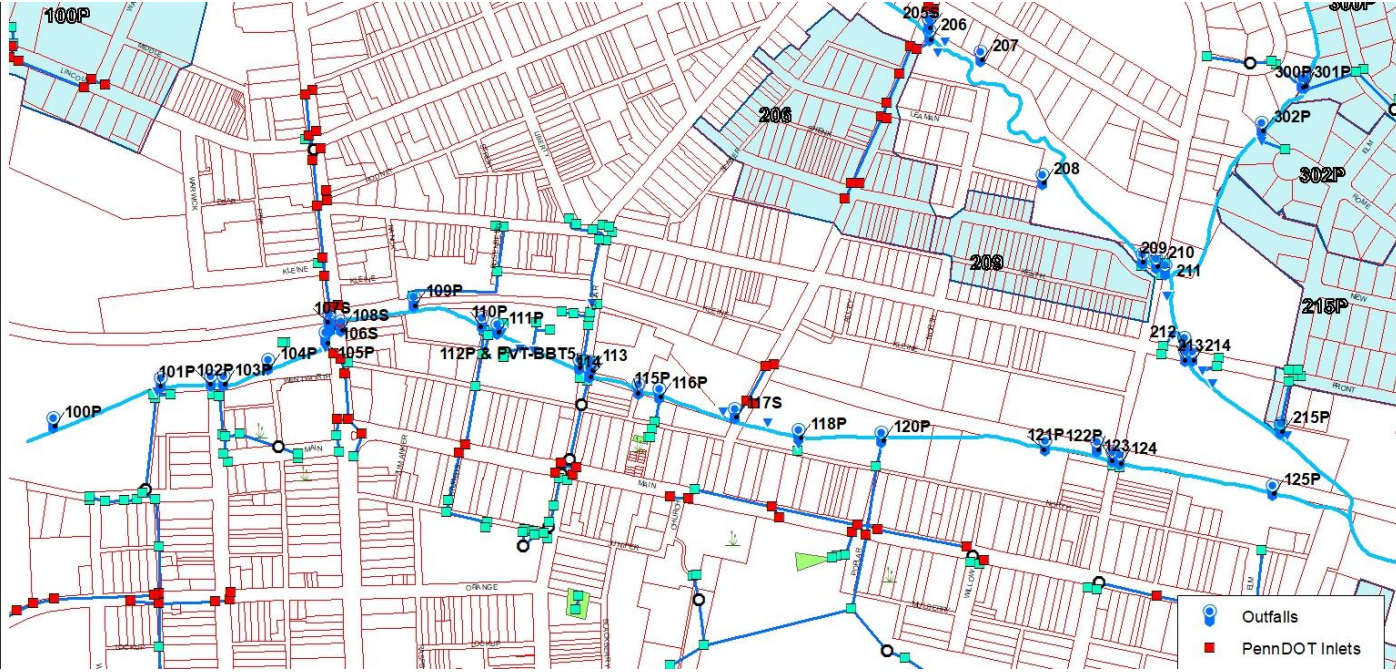
Lititz engaged with LandStudies to begin getting our program up to speed.

We began developing a comprehensive schedule to address each of the MCMs and to bring our data and information into compliance.

Mapping & Asset Evaluation



Pre-Audit



Post-Audit

Training

Annual Municipal Employee Training and Education Plan

Municipality: Lititz Borough Date of Plan: 1/16/17
Plan Dates: 3/16/17 - 3/15/18 Permit #: PAG133539
Permit Cycle Year: 5

This plan provides an outline of training and education activities for the municipality's employees (and contractors as applicable) for the dates indicated. This plan does not inhibit the potential to pursue and/or conduct other training activities the municipality may deem necessary during the permit cycle year. This plan is developed to help document the municipality's compliance efforts with the selected and implemented Best Management Practice (BMP) GH-1 "Employee Training and Education."

Training Event	Target Employee Audience	Planned Frequency (if applicable)	Topic(s)/Description
SWMP Review	All Staff	Nov 2017	
Illicit Discharge and Detection	Public Works Staff	June 2017	outfall screening focus
Tail-gate training	PW Staff	March 2017	Inlet protection
Tail-gate training	PW staff	April 2017	Landscape Maintenance (incl. mowing)

Enforcement

- Outlet Pipe (see Picture 4)
 - Removal of the accumulated sediment, debris, etc. that has built up approximately 10" - 12" adjacent to and covering the outlet flow control device (orifice plate with 3" opening). The orifice opening could not be visually observed; in turn, the accumulated sediment, debris, etc. is completely negating the functionality of the control device.



Picture 1 - Overgrown vegetation observed throughout detention basin.



Picture 2 - Example of invasive species observed in detention basin.



Picture 3 - No groundcover/bare soils; location of spillway; observed dump piles along fence



Picture 4 - Outlet pipe completely blocked with sediment, silt, and debris.

The following components included conditions that require routine maintenance at this time for the detention basin:

7 South Broad Street
Lititz, PA 17543



Phone (717) 626-2044
Fax (717) 626-1329

Borough of Lititz, Pennsylvania

May 2, 2017



**RE: Illegal Dumping/Illicit Discharge Event
Level 1 Enforcement**
Lititz Borough Illicit Discharge Detection & Elimination (IDD&E) Program

Dear [REDACTED]:

It has come to our attention that grass clippings piles were observed along the edge of the natural wetland/stormwater conveyance system to the rear of your property. Please see attached photos.

This practice is not permitted in Lititz Borough, and is in violation of the Stormwater Management Ordinance and the Stormwater Management Program (SWMP) developed as required by the issued Municipal Separate Storm Sewer System (MS4) Permit.

EPA Gets back to us

“Based on the 2014 inspection, as well as a review of the information provided by the Borough during and after the inspection and information obtained from PADEP, EPA believes that the Borough’s MS4 program was not and is not compliant with the MS4 PAG-13”

MCMs 3, 5, and 6 were specifically cited as deficiencies

Fines were cited as high as \$187,500

However....

EPA offered us the opportunity to settle the fine admiratively instead of through formal litigation.

So representatives of the Borough traveled to EPA Region 3 Headquarters in Philadelphia in September 2016 to discuss the settlement and the progress made thus far.

The Meeting

At the meeting, we described the progress we had made into the SWMP since the audit including adding additional staff to work on the program.

During the discussion, EPA seemed impressed at our progress and even asked if they could use some of our resources as examples.

After the discussion, no fine was mentioned... despite our expectations.

The Conclusion

The Borough received the Consent Agreement and Final Order (CAFO) in December of 2016, incorporating several of our solicitor's comments.

The findings of violation were limited to two allegations that the Borough had not fully developed our SWMP for the MS4.

The amount of the civil penalty was agreed upon in the amount of \$3,000.

We are still waiting to received the executed CAFO from EPA.

Take-aways

- We feel that the progress made from the audit to the CAFO is directly responsible for the relatively low fine we received.
- More professional assistance was needed to adequately manage the SWMP (both staff & consultants)
- Document, Document, Document
- A SWMP should not be an afterthought.