

REPORT OF MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) INSPECTION
AT

City of Wichita

Department of Public Works
Eighth Floor, City Hall
455 North Main Street
Wichita, Kansas 67202

NPDES Permit KS0091049
Kansas Permit Number: M-AR94-SO01

BY

U.S. ENVIRONMENTAL PROTECTION AGENCY-REGION 7
ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION (ECAD)
WATER BRANCH / DRINKING WATER AND INSPECTIONS SECTION (WB/DWIS)

ON

February 6 through 10, 2023

INTRODUCTION

At the request of the Water Branch (WB), Enforcement and Compliance Assurance Division (ECAD), a Compliance Evaluation Inspection was conducted of the Wichita' Municipal Separate Storm Sewer System (MS4) on February 6 through 10, 2023. The inspection was conducted under the authority of Section 308 of the Clean Water Act, as amended. It was conducted in accordance with the U.S. Environmental Protection Agency (EPA) Region 7 Standard Operating Procedures for Compliance Inspections (ENST SOP No. 2332). This narrative report presents the findings of the inspection. All other documentation not included as an attachment to this report has been submitted directly to the Region 7 Records Center.

PARTICIPANTS

City of Wichita, Kansas

- Don Henry, Assistant Director, Public Works & Utilities
- Mark Hall, Program Manager, Stormwater Utility (MS4 Coordinator)
- Renee Batchman, Compliance Officer, Stormwater Utility
- Troy Tillotston, Division Manager, Stormwater Utility
- Joe Hickle, Interim Stormwater Engineer
- Darrin Deutscher, General Supervisor II, Public Works & Utilities
- Nicholas Steele, Assistant Maintenance Engineer, Street Maintenance.
- Chad Daniels, General Maintenance Supervisor, Public Works & Utilities
- Megan Stuart, Fleet Manager, Public Works & Utilities
- Warren McCoskey, General Maintenance Supervisor, Parks & Recreation
- Daniel Botello, Environmental Sciences Administrator, (Pretreatment Coordinator)

- Dan Vang, Environmental Specialist
- Willy Williams, General Supervisor II, Public Works & Utilities
- Ashly Taylor, Pretreatment specialist
- Kelly Fleming, GIS Stormwater Management
- Megan Stuart, Division Manager, Public Works & Utilities

Kansas Department of Health and Environment-Bureau of Water

- Sabrina R. Cantrell, Water Supply and Wastewater- South Central District Office

U.S. Environmental Protection Agency (EPA), Region 7

- Naji J. Ahmad, Environmental Engineer, ECAD/WB/DWIS
- Caitlin Dix, Physical Scientist, ECAD/WB/DWIS

FACILITY DESCRIPTION

The City of Wichita is located in the east-central part of Sedgwick County in the south-central part of Kansas within the Lower Arkansas River drainage basin. According to the 2021 population estimate by the U.S. Census Bureau, there are 395,699 people living within the City limits with an area of approximately 166.5 square miles.

According to the information submitted by the City's geographical information system (GIS) data team, the Wichita MS4 consists of 1,676.19 miles of storm conveyance including open channels, over 9,035 outfalls, 54,137 stormwater structures, 1,111 flood control structures are owned and operated by the City of Wichita, and 71,877 conduits.

The City's National Pollutant Discharge Elimination System (NPDES) MS4 Phase I permit was originally issued on December 24, 1997, became effective in 1998, and was revised and reissued on October 1, 2007. Currently, the City is in its fourth permit cycle with a permit that was issued on February 1, 2020 (Attachment 1).

The Kansas Department of Health and Environment (KDHE) issued the current NPDES MS4 Phase I permit with minimum requirements for several maximum control measures (MCM) in addition to a requirement to accumulate a minimum number of points for each MCM. The permit requires the City to develop, implement, and enforce a Stormwater Management Plan (SMP) to demonstrate how the City will achieve compliance with the six MCMs, continue to review, update, implement and develop, when necessary, structural and non-structural BMPs to reduce Total Maximum Daily Load (TMDL) pollutants, wet weather monitoring, monitoring and inspection of high priority facilities, and annual reporting.

The responsibility to comply with the MS4 permit requirements and reporting falls upon the Wichita Department of Public Works and Utilities, Stormwater Management Division (SWMD) that was created in 2008. Staff of the SWMD assume the overall responsibility of implementing the SMP and MS4 permit compliance by educating and communicating regulatory requirements of the MS4 permit to all City departments.

FINDINGS AND OBSERVATIONS

The purpose of the inspection was to evaluate the City's compliance with the requirements of the permit, as well as the implementation status of the current Phase I MS4 program. All findings and observations of this inspection are based on my interviews with City personnel, my review of records posted on the city website, and my visual observations of sites and City facilities visited during the inspection. All observations were discussed in detail with City personnel throughout the inspection and during the formal exit meeting on February 10, 2023.

A Notice of Preliminary Findings (NOPF) (Attachment 3) was issued to the City via email.

Documents requested during the inspection were also requested via emails to the MS4 program personnel.

On April 5, 2023, Mr. Mark Hall requested 30 days extension to respond to the NOPF and the request for documents. As of the date of this report, I have not yet received the response to the NOPF nor the requested documents (Attachment 11).

1. **Notice of Preliminary Finding #1: The City does not evaluate and inspect dry weather discharges (dry weather outfalls) to the MS4 (NPDES Permit PART I.c.3.e).** During the City's presentation of their GIS map that focused on cleaning and maintenance activities and the physical characteristics of the MS4, the map did not include the outfalls, nor did the Stormwater Management Program personnel provide information about the outfalls. When I asked about the list of outfalls they replied, "that is a good question" and that they have to find out if or where the outfalls are listed. I explained dry weather discharges and dry weather outfalls and that PART I.c.3.b of the NPDES permit requires the permittee to develop a storm sewer system map of the permittee's MS4, showing the location of all known outfalls, either pipes or open channel drainage, and showing the names and location of all streams or lakes that receive discharges from those outfalls.

I further asked if the City evaluates and/or inspects dry weather outfall discharges. They mentioned that they believe over the years, that the City achieved that by maintenance crews cleaning and televising the lines of the MS4. They also diverted the discussion toward the wet weather monitoring and industrial facilities inspection by KDHE and the Pretreatment Program (see NOPF #5 discussion below). I indicated these are three separate activities and requirements of the NPDES permit.

It was also apparent that the Stormwater Management Program personnel were not aware of the location of outfalls and that they do not inspect the outfalls during dry weather, nor were they aware of the requirement to evaluate and inspect them (NPDES PART I.c.3.c).

The next day, they presented us with another map that was generated by the GIS team that included the location of the MS4 outfalls. They mentioned that there are approximately 9,035 outfalls within the Wichita MS4. We further discussed which criteria are used to identify and define outfalls. Stormwater Management Program personnel were not able to provide such information.

Therefore, I issued NOPF because the City does not evaluate or inspect dry weather outfalls to detect and eliminate dry weather discharges to the MS4.

2. **Preliminary Finding not included in the NOPF.** Based on the information presented by the Stormwater Management Program personnel during the inspection, the City does not maintain procedures for site plan review that incorporate consideration of water quality impacts from construction as required by PART I.c.4.d (MCM4) of the NPDES permit.

Mr. Joe Hickle is the only person responsible for plan reviews. Mr. Hickle documents all plan review details on one master document (Joe's Master Word Document) which he started eight years ago. When asked, Mr. Hickle indicated that the City does not have procedures to review the plans, rather it is all based on his day-to-day work experience and documenting activities in the Master Word Document.

The current NPDES permit list this requirement as BMP: Lbmp CSSRC-04 to achieve 3 points. However, the City did not claim any points in 2020, 2021, or 2022 reporting years.

The 2019 annual report indicated that the procedure for plan approval includes review by City staff, and certification by the design engineer as to adherence to Chapter 16.32. The number of plans approved each year will be submitted in the Annual Report. The 2019 annual report also indicated that in 2019, City staff reviewed and issued Stormwater Permits for 67 sites, totaling 442 acres of Development or Redevelopment that contained 12 new or existing BMPs for construction and post construction.

3. **Notice of Preliminary Finding #2: The City does not conduct construction site sediment and runoff controls inspections (NPDES Permit PART I.c.4.f).** During the construction site sediment and runoff controls inspections discussion with Stormwater Management Program personnel, it was apparent that the City does not dedicate enough resources and trained personnel to adequately implement this requirement of the MS4 permit. When I asked Mr. Mark Hall and Ms. Renee Batchman what procedures the City employs to conduct such inspections, Mr. Hall replied that every city owned project site should have a certified erosion control person (project contractors) conducting daily inspections of the site's BMPs and generate a daily report for such inspections. Mr. Hall added that neither Ms. Renee Batchman nor himself go to City project sites very often because of the daily inspection reports they receive. He added that the site inspectors often call him and Ms. Batchman if they have a problem.

However, Mr. Hall and Ms. Batchman indicated that due to the limited number of personnel within the Stormwater Management Program, adequate inspections of private site projects that require an NPDES permit by KDHE, are not being conducted. Mr. Hall mentioned that for many years it was just him conducting site visits and now the responsibility is being delegated to Ms. Batchman. Mr. Hall used to conduct 1,000 site visits annually and occasionally he would conduct a full Stormwater Pollution Prevention Plan (SWPPP) inspection if there was an issue or a complaint (NPDES PART I.c.4.f). Mr. Hall also indicated that Ms. Batchman and he recently started to attempt to go out once a month starting in one City quadrant and would visit as many subdivisions as time permits. It was noted that inspecting private construction sites is mainly complaint driven. It was also noted that sites are not being inspected to determine if the BMPs are adequately installed prior to the start of construction. Based on the discussion, it appeared that full and complete

construction site erosion control inspection are not being conducted and written inspection reports are not written and were not provided to us to document such inspection were conducted. Mr. Hall also referenced the City's Manual of Inspection Procedures which he stated it was included in the annual reports. I requested records of how many active construction sites, how many inspections, and how many violations and enforcement actions were taken based on inspections in 2020, 2021, and 2022. Mr. Hall is still working on gathering the information requested.

When I asked about how program staff ensures compliance with sites that do not require NPDES permit from KDHE and if building inspectors are trained to conduct erosion control inspections, City personnel mentioned a story about a building inspector that was fired for looking at erosion and sediment control too hard and another building inspector that was suspended for 15 days for looking at erosion and sediment controls.

4. As part of the MS4 inspection, we visited and shadowed the Stormwater Management Program personnel on visual inspection of construction sites. Two sites were visited:
 - a. *ICT21 Industrial District Site* (Attachment 9, photos 15-23): We drove by this site while we were making a nearby site visit, I observed and pointed out to Mr. Hall two concrete trucks washing out onto the ground near the site entrance and excess concrete from the two trucks was visible on the ground from the road (NPDES PART I.c.4.c). I asked Mr. Mark to enter the site and investigate the incident. We entered the site. The site had never been inspected by the City, but it was inspected by KDHE. The site has multiple permits and construction phases. The site implementation of the SWPPP was poor; inadequate BMPs were apparent, illegal concrete washout practices were very visible as shown in photo 22 below, and inadequate controls of at least four stormwater inlets were also visible.

Photo 22, Illegal concrete washout practices at the Wichita Industrial District.



- b. *Wichita State Commercial Development Site* (Attachment 9, photos 10-12): overall, the site BMPs were adequate. Mr. Hall and Ms. Batchman requested and reviewed the SWPPP and site inspections. Site runoff is designed to discharge into the detention pond.
5. My review of the annual MS4 reports submitted to KDHE indicates the following:
- a. *The 2019 Annual Report* indicated that the City developed and implemented procedures for construction site inspection and enforcement of control measures. Additionally, the City will perform at least 600 inspections each year for the duration of the permit, and violations/citations will be written as necessary. Results will be included in the Annual Report. The 2019 Annual Report indicated that the City stormwater staff performed 1,000 inspections of private projects (see statement included in item 3 above) and issued 266 Notices Of Violation. City engineering personnel oversaw BMP implementation on 187 publicly bid City construction sites, these sites continue to be monitored daily by about 23 City inspectors throughout the duration of construction. The City's Manual of Inspection Procedures was included in Appendix D. City field personnel in other departments have also been trained to notify Stormwater Staff if they see any potential stormwater violations (compare to above statement of building code inspector being fired).
 - b. *The 2020 Annual Report* indicated that under Lbmp CSSR-06, City stormwater staff performed 1,042 inspections of private projects, and issued 302 Notices Of Violation. City engineering personnel oversaw BMP implementation on 174 publicly bid City construction sites, these sites continue to be monitored daily by about 22 City inspectors throughout the duration of construction. The City's Manual of Inspection Procedures is included in Appendix D. City field personnel in other departments have also been trained to notify Stormwater Staff if they see any potential stormwater violations.
 - c. *The 2021 and 2022 Annual Reports* indicate that the City developed written procedures for inspection of construction sites "Stormwater Construction Site Inspection Guide" for use by municipal inspectors. The guide must address the administrative aspects associated with required inspections of construction sites, the issuance of inspection reports, notices of violations, and enforcement actions. The City claimed 3 points for this BMP.
6. **Notice of Preliminary Finding #3: The City does not provide adequate long-term operation and maintenance of structural BMPs (NPDES Permit PART I.c.5.d).** Stormwater Management Program mentioned that owners of private BMPs (usually Homeowner's Associations) are responsible for maintaining the integrity of the BMP and are required by the City to submit a biennial certification that the BMP was inspected, and functioning as designed, by a licensed engineer or national erosion control credentialed inspector. PART I.c.5.d of the NPDES permit (MCM5 -Post-Construction Stormwater Management in New Development and Redevelopment Projects) requires the permittee to ensure adequate long-term operation and maintenance of BMPs.

During the GIS presentation, public and private post-construction BMP assets were not included on the storm sewer asset management system map as part of the MS4 system

(NPDES PART I c.3.b). However, it was on the ArcGIS public facing map that show the City stormwater system.

We recommended that all public and private BMPs should be on the storm sewer asset management system map so that staff can understand the relationship of post-construction BMPs to the MS4 infrastructure and should include post-construction BMPs maintenance in the MS4 work order and service request management system.

Mr. Darrin Deutscher indicated that the GIS team has 100% of the City's BMPs mapped. Mr. Hall, however, clarified that 100% of City-owned BMPs are mapped, but probably not 100% of private-owned BMPs. Based on the discussion, the City does not appear to know what the total universe of post-construction BMPs. Mr. Hall mentioned that Snouts¹ are the most common BMPs used by the City. Snouts are maintained by the Stormwater Utility maintenance crews.

Mr. Hall indicated that since 2011, the Stormwater Management Program started sending letters, generated from a spreadsheet, every two years to the private post-construction BMP owners requiring an inspection and recertification (Records of certification were requested but not yet submitted to us). Mr. Hall explained the challenges facing the Stormwater Management Program monitoring private BMPs. They started out issuing requests for recertification two years after the BMP was installed and then they tried to do it every year, but those were difficult tasks to administer due to lack of personnel, especially, if a site didn't submit a report and the City had to follow-up. As a result, they reviewed the City ordinance, and it was not specific enough to prevent them from doing a set every other year. The requirement to submit inspections is included in the ordinance (16.32). Mr. Hall mentioned that with all the changes, they can only do spot checks of 5% of total private BMPs every two years. But there were no records and indication that any spot checks were conducted. He added, the list of on-site BMPs has been increasing since 2011, but since the introduction of the Off-site Program in 2016, the list of on-site BMPS did not grow as rapidly.

I asked Stormwater Management Program personnel to escort us on a visual inspection of two private post construction BMPs required to submit the certification and two City-owned BMPs. We visited the following sites:

- a. *Trash Interceptor located at 37.657201640337945, -97.35015011806503 (photo 1-3):* consisted of two primary boxes with three-inch screens over two pipes discharging from the primary chamber to the second chamber. There are two large overflow pipes that allow bypass from the primary chamber to the secondary chamber discharge in major storm events. The Trash Interceptor is cleaned out as needed using a Stormwater Utility vac trucks. The Trash Interceptor appeared to be functioning well.

1. A vented fiberglass stormwater structure and catch basin hood that improves water quality. They are installed over the outlet pipe in a storm water structure with a sump that skims oils, floatables and trash off of the surface water while letting settleable solids sink to the bottom. The cleaner water exits from beneath the snout, which is lower than the bottom of the pipe, but above the bottom of the structure allowing both floatable material and solids that sink to stay in the structure.

- b. *QuikTrip at 625 Hillside Street (photo 4)*: this is a dry detention basin that was approved by the City Engineer and is one of the BMPs that required to submit a biennial certification.
- c. On site I pointed out significant erosion at the discharge pipe from the QuikTrip; there is a hole at the discharge pipe that is a few feet wide and a couple feet deep; the basin floor is higher than the invert of the inlet and outlets pipes (these pipes flow across the basin and are perpendicular to the eroded discharge pipe). It appears likely the basin was sedimented in during construction and was never excavated to the design specification (should be flat, but is mounded) as shown in photo 4 below.

I asked if the engineering firm that wrote the recertification identified the issues that we identified. City personnel indicated that they would have to review the submitted biennial certification.

Photo 4, Dry detention basin at QuikTrip as a post-construction BMP.



- d. *Old Walmart (photos 6-9)*: the dry detention basin was severely degraded. I pointed out the significant accumulation of debris and trash, overgrowth of weeds, including volunteer trees. At the inlet there were trees approximately three to six inches in diameter throughout the basin floor. The site appeared to be neglected, not cleaned and not maintained for an extended period of time as shown in photo 6 below. I also asked if the engineering firm that wrote the recertification identified the issues we noted. City personnel indicated that they would have to review the submitted biennial certification.
- e. *Snouts*: as mentioned above, snouts are a common sediment reduction BMP used by the City within the MS4. There are approximately 100 snouts around the City. We visually observed the MS4's largest Snout located at Crestview Lakes (72" diameter) as shown in photo 14 below. We also looked at one snout located at the Central Maintenance Facility (CMF) (photo 33). Snouts are maintained by the Stormwater Utility maintenance crews that use a vac truck to clean them every 3 months. Crews collect sludge, debris, sediment,

and trash from the snouts and haul it to a landfill where it is dewatered and then used by the landfill as cover.

Photo 6, Dry detention basin at the Old Walmart as a post-construction BMP.



Photo 14, 72-inch Snout. Wichita's MS4 largest snout



7. My review of the annual MS4 reports and the 2020-2025 SMP regarding to MCM5 - Post-Construction Stormwater Management in New Development and Redevelopment Projects indicates the following:
- a. *The current 2020-2025 SMP under Lbmp P-C SM-06 reads “develop and implement a program for inspection of known privately owned structural BMPs which includes providing the owner of the BMPs an inspection report which specifies needed maintenance to ensure long-term operation of the BMPs.”*
 - b. *The 2019 Annual Report indicated that the City sent 317 biennial inspection notices, and 195 were satisfactorily completed and returned, and the remaining 122 will be followed-up on in 2020. City personnel did not provide documentation that follow-ups were conducted.*
 - c. *The 2020 Annual Report indicated that under Lbmp P-C SM-06 the City claimed 3 points with no description.*
 - d. *The 2021 Annual Report indicated that the City claimed 3 points by inspecting at least 10% of the known privately owned structural BMPs on an annual basis.*
 - e. *The 2022 Annual Report indicated that the City did not claim any points.*

There was no indication that any of the above tasks mentioned in the 2019-2022 reports were met and City personnel did not provide documentation that follow-ups were conducted, except for mailing of the 317 biennial inspection notices.

8. **Notice of Preliminary Finding #4: The City failed to implement PPGH for municipal facilities (NPDES Permit PART I.c.6).** During our discussion of MCM6 – Pollution Prevention/Good Housekeeping for Municipal Operations (PPGH) under PART I.c.6 of the NPDES permit which requires the permittee to implement an Operation and Maintenance Program that includes employee training to prevent and reduce stormwater pollution from municipal operations activities (i.e. fleet and building maintenance), the Stormwater Management Program personnel indicated that all Public Works Department employees receive annual training by showing them a video (training material was requested but not provided). Mr. Hall also indicated he inspects municipal facilities on a quarterly basis. Mr. Hall added that he communicates any deficiencies he observes during inspections to municipal site personnel and tries to ensure that those are corrected as soon as possible (reports were requested but not provided).

Stormwater Management Program personnel mentioned some of the municipal facilities such as the transfer stations, four maintenance shops: light vehicle, fire, heavy equipment, minor body repair, a small light engine repair shop with a small paint area, and the Bus Garage.

Later during the inspection and based on our field observation of the CMF that the City of Wichita Water Utilities facility was not included in the CMF SWPPP, it appeared that the City does not have a complete list of its municipal facilities to be included in the MS4.

To verify the City's implementation of the PPGH MCM, we asked that we visit some of the municipal facilities. Mr. Hall suggested we visit the Central Maintenance Facility (largest facility), the West Substation, and the Wichita Transit.

We also interviewed Mr. Nicolas Steele. Mr. Steele is the Assistant Maintenance Engineer at Public Works & Utilities, Street Maintenance. Mr. Steele also indicated that new employees are also provided the training using the same video material. Mr. Steele also mentioned that after every rain event, municipal personnel inspect secondary containments for sheen before discharge.

Based on our visual observation of the three municipal facilities we visited during the inspection, it was apparent that the City of Wichita failed to implement PPGH for municipal facilities as required by PART I.c.6 of the NPDES permit.

- a. *The Central Maintenance Facility (CMF)*: the CMF is located at 1801 South McLean Boulevard. The main function of this site is to provide maintenance, repair, washing, loading, parking, and storage of heavy Public Works vehicles and machinery. The site also contains storage of sand, salt, sand/salt mixtures, and storage of general maintenance materials. The Standard Industrial Classification (SIC) for this facility is 4225.

There is a Spill Prevention Control and Countermeasure (SPCC) Plan for the aboveground fuel storage tanks, and a SWPPP that covers activities where contaminants could potentially be introduced into the stormwater runoff such as refueling and maintenance of vehicles and storage of materials. Contaminants of concern used in these activities include diesel, gasoline, motor oil, particulate matter, such as sand, soil, and gravel and salt. Surface runoff controls consisted of curbs and containment structures.

In summary, the implementation of the SWPPP and the SPCC BMPs, especially, nonstructural BMPs did not exist. Site personnel appeared not to have the basic knowledge of the SWPPP and SPCC requirements. The quarterly SWPPP inspections conducted by Mr. Hall are the only site inspection conducted (reports were requested but not provided). The site was poorly managed, evidence of spills was visible throughout the site, and evidence of contaminated water reaching the MS4 was visible as well.

During the walkthrough of the site, I pointed out to site personnel that the north containment which had significant deposits of wet petroleum residue (photos 26) with an outlet pipe to discharge to the west of the site. This containment receives surface runoff from the nearby fueling station and parking area. The valve of the discharge pipe (photo 25) was fully open, and the pipe had fluid inside of it discharged into the MS4.

The south containment had water in it and evidence of discharge was also visible (photo 31). This containment receives surface runoff from the City of Wichita Water Utilities across the fence line. We asked Mr. Hall if the Water Utilities is covered under the site SWPPP. He replied it is not with no justification. I indicated that the Water Utilities facility should be included in the SWPPP because it directly contributes to the

stormwater discharge, it is a municipal facility, and it has an equipment and vehicle storage yard.

Photo 25, inside the containment pipe discharging into the MS4.



Photo 25, The north containment full of petroleum residue with an open valve



We also observed significant ground dislocation near the street sweeping bin (photo 27) and significant ground dislocation from a leaky vehicle and stored equipment (photos 28, 35, 36), improper outdoor storage of batteries (photo 32), and oil sheen in the stormwater inlets (photos 33 and 37) where the snout was completely discolored. We also observed evidence of oils entering the stormwater inlet (photo 34).

Photo 36, Significant Spill near stormwater inlet at the CMF



The area near the Street Maintenance Building within the CMF complex was full of improperly stored drums (photo 39-41) with evidence of leaky drums, improper labeling of drums, and lack of secondary containment.

Photo 41, improper storage, leaky drum and improper labeling of drums.



- b. *Wichita Transit* located at 777 E. Waterman Street. The main function of this site is to provide vehicle maintenance services to the municipally owned transportation service, Wichita Transit. The SIC for this facility is 4111 and the facility consists of approximately 7.5 acres. City of Wichita samples during storm events to monitor industrial stormwater discharges from this site. Overall, the facility was clean and free of ground discoloration.
- c. *The West Substation* located at 5801 W. 3rd Street. The main function of this site is to provide road maintenance services to the Western quadrant of the City. The Standard Industrial Classification (SIC) for this facility is 4225. The site has two outfalls. One of the outfalls is a direct discharge from the containment structure (photo 42) and the second is an inlet (photo 43). The site also has brine and salt storage (photo 43).

During the inspection I noticed that City staff have just recently placed straw bales at each outfall as protection. I also pointed out evidence that the brine secondary containment valve was open and just recently closed and brine deposits were visible.

9. **Notice of Preliminary Finding #5: The City failed to develop and implement a program to monitor industrial stormwater facilities (NPDES Permit PART III).** Staff of the Stormwater Management Program were not aware of this NPDES permit requirement. Therefore, no inspections or monitoring of industrial stormwater discharges have been conducted for at least the current and last two permit cycles. I explained to the Stormwater Management Program personnel that the permit requires the City to develop and detail within the SMP a program to monitor industrial stormwater discharges to the MS4 in order to control pollutants from industrial facilities. I also explained that the program consists of: (1) developing and maintaining a list of industrial facilities within the Wichita MS4 jurisdiction, and (2) annually inspect at least two industries identified as high priority from the list and sample them for at least ten pollutants.

During the discussion, the Wichita Stormwater Management Program staff indicated that they were instructed by the previous Stormwater Management Program Manager who retired a month before the inspection, that KDHE was taking the responsibility of conducting such inspections in lieu of the City. Ms. Sabrina Cantrell with KDHE, however, indicated during the discussion that KDHE is not aware of such responsibility and that KDHE do their own independent industrial stormwater inspections in the area.

Moreover, the Stormwater Management Program personnel also thought that the Wichita Pretreatment Program was also somewhat responsible for the industrial stormwater inspections. Mr. Daniel Botello, Pretreatment Program Coordinator, explained during the meeting that their industrial inspections are of those regulated industries under the Pretreatment Program. He added, the Pretreatment Program inspectors inspect industrial process waste streams that discharge directly into the Wichita's sanitary sewers.

I mentioned to City personnel that this requirement is only for Phase I MS4 cities and that both the current and the previous Wichita MS4 NPDES permits required the City to develop

and implement a program to inspect and monitor High-Risk industries and include the program in the SMP.

10. Upon my return to the office and my review of the 2014-2019 SMP (Attachment 4) and the 2020-2025 SMP (Attachment 5), and the 2014-2022 annual reports (Attachments 6, 7, and 8) [Public Works & Utilities Stormwater Utility \(wichita.gov\)](http://www.wichita.gov/public-works-utilities/stormwater-utility). I noted the following:

- a. *The 2014-2019 SMP*, under Monitoring Industrial and High-Risk Run-off, TMDLs, and Monitoring Requirements, the City indicated that the program shall be developed, and a list will be updated as available from KDHE, and shall be included in the annual report, and annually at least two facilities listed shall be identified as high priority facilities and inspected and sampled for stormwater run-off shall be conducted.
- b. Based on my review of the 2014-2019 annual reports,
 - 1. The 2014 annual report (was hard to read due to lack of organization) showed that the City received a list of facilities from KDHE under section 313 but there were no records of inspections.
 - 2. The requirement was included in the 2015-2019 reports; however, the City included monitoring results of municipal industrial facilities not monitoring High-Risk industries.
- c. The 2020-2025 SMP did not include the requirement for inspecting and monitoring of High-Risk industries.
- d. Based on my review of the 2020, 2021 and 2022 annual reports,
 - a. This requirement was not included in the 2020 annual report.
 - b. It was included in the 2021 and 2022 reports; however, the City included monitoring results of municipal industrial facilities not monitoring High-Risk industries.

11. *Site visit to Fiber Glass Systems, 2501 Southwest St, Wichita 67217.*

Mses. Renee Batchman, Ashly Taylor, Sabrina Cantrell, and Caitlin Dix, and Messrs. Mark Hall, Dan Vang, and I visited the Fiberglass System facility, one of the significant industrial users regulated by the Wichita Pretreatment Program (I later found out that it was one of the High priorities facility listed in 2012) but there are no records that it was ever inspected by the Stormwater Management Program.

I lead the inspection by visually inspecting the industry's indoor manufacturing process and outdoor storage area. During the inspection I pointed out and explained potential stormwater issues that may have adverse effects on the MS4 and water quality. I also explained the basic requirements of the SPCC plan under 40 CFR 112.

Fiberglass System had a KDHE permit to discharge non-contact cooling water to the MS4 which required them to have a SWPPP. At the time of our visit, the Fiberglass System facility had over 1,320 gallon of aggregate petroleum products stored on site. Although facility personnel were aware of the requirement of 40 CFR 112, the facility did not have a SPCC plan.

12. The Stormwater Management Program personnel indicated that the City complied with the requirement of the NPDES permit by meeting and exceeding the required points as follows.

Control Measure	Points			
	Required	Achieved		
Reporting Year		2020	2021	2022
Public Education and Outreach	4	6	13	13
Public Involvement/ Participation	3	0	6	6
Illicit Discharges an Elimination	5	15	16	16
Construction Site Runoff Control	4	13	12	12
Post-Construction Stormwater	5	16	16	10
Municipal Operations	4	16	15	15
TMDL's	4	17	18	18
Total Points	29	83	96	90

CONCLUSION

1. Stormwater Management Program personnel indicated that Public Works and Utilities staff are trained on dry weather screening, but there are questions on whether they observe flow and determine if it qualifies to be screened as dry weather flow. The GIS map presented to us by Stormwater Management Program personnel and the GIS team did not include the outfalls or private post construction BMPs, and staff were not able to tell us what criteria they follow to define an outfall. They also mentioned that dry weather screening is done through cleaning and televising the lines. It appears that the practice is heavily related to sewer maintenance goals which may not always be the same as MS4 goals.
2. The City dedicated one full time employee to conduct construction and post construction plan review. All plan review activities are included under one document based on that person's experience. The City does not have procedures to review the plans, rather it's all based on the individual's day-to-day work experience and documenting activities in the Master Word Document.
3. Due to limited number of personnel, the City dedicated one member of the Stormwater Management Program to conduct inspection of sediment and runoff control at private construction sites. That one person is also responsible for many other aspects of the MS4 program to achieve compliance with the NPDES permit. Therefore, private construction sites are visited but not inspected as desired by the one inspector and as required by the NPDES permit. Our visual inspection of construction sites confirms our observation. The City of Wichita does not provide the adequate number of trained personnel to achieve this task and comply with the NPDES permit.
4. Mailing out biennial Inspection Notices to owners of known privately owned post construction BMPs is the only control mechanisms currently used by the City. The City requires owners to submit a biennial certification that the BMP was inspected, and functioning as designed, by a licensed engineer or credentialed national erosion control inspector.

However, based on our visual observation of such BMPs, the mechanism used by the City does not ensure adequate long-term operation and maintenance of structural BMPs. Additionally, the City of Wichita does not provide the adequate number of trained personnel to verify the integrity of the biennial certification.

5. Based on our visual inspection of the Central Maintenance Facility as the largest municipally owned facility regulated under the MS4, the City failed to implement the required pollution prevention and good housekeeping practices (PPGH) for its own municipal facilities as required by PART I.c.6 of the NPDES permit. On site staff of the CMF do not have the proper knowledge or training to implement the SWPPP or the SPCC requirements. Only Mr. Mark Hall conducts inspection of such facilities. No inspections, or at least adequate inspections are conducted by on-site personnel to prevent impacts to water quality.
6. The City did not include all municipal facilities (Water Utilities next to the CMF) that had direct impact on the water quality under the MS4 program.
7. The City failed to develop and implement a program to monitor industrial stormwater facilities as required by PART III of the NPDES permit.
8. EPA has not received records and documents requested by the inspectors during the inspection or those requested by email after the inspection.
9. The response to the NOPF was received after the completion of the report and it is included as Attachment 13 to this report.

RECOMMENDATIONS

The City of Wichita must provide the adequate training and adequate number of trained personnel to implement its MS4 program to achieve compliance with the NPDES permit.

NAJI AHMAD Digitally signed by NAJI AHMAD
Date: 2023.05.25 12:26:42 -05'00'

Naji J. Ahmad
Environmental Engineer WB/DWIS

Moran, Nicole Digitally signed by Moran, Nicole
Date: 2023.05.30 07:55:49 -05'00'

Nicole Moran
Section Chief, WB/DWIS

ATTACHMENTS

1. 2020-2025 NPDES
2. 2014-2019 NPDES
3. NOPF
4. 2014-2019 SWMP
5. 2020-2025 SWMP
6. 2020 ANLRPRT
7. 2021 ANLRPRT

8. 2022 ANLRPRT
9. 2019 ANLRPRT
10. Photo log
11. List of requested documents received after the inspection.
12. Response to the NOPF.