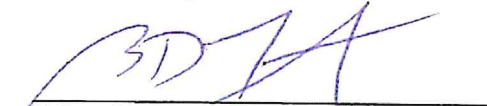


POLICY REPORT PWD NO. 22-13


REVIEW FINAL 2021 KDHE ANNUAL REPORT
FOR STORMWATER AND ADOPT RESOLUTION NO. B-xxxx

February 22, 2022

Prepared by:


Brian Faust, P.E.,
Director of Public Works

Submitted by:


Paul Kramer,
City Manager

ISSUE:

Adopt a resolution approving the annual KDHE report for 2021 stormwater activities.

BACKGROUND:

The City of Leavenworth is regulated by the Kansas Department of Health and Environment (KDHE) and US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes. The City has been required to submit an annual report on stormwater activities every year since 2003. The report summarizes actions the City has taken the previous year to protect and enhance stormwater quality.

KDHE and EPA suggest that the report be reviewed in a public forum rather than simply submitted by staff. The draft report was reviewed by the Commission on February 8th, 2022 and is available on the City's website. One email was received regarding stormwater issues along Vilas Street (attached).

The final report includes statements that the City has reduced pollution in accordance with the requirements to the "Maximum Extent Practicable" (MEP). Staff opinion is that the City has met the intent of the regulations to reduce pollution through the Six Minimum Control Measures as described in the report.

There is considerable additional information in the appendices that will be included when the report is submitted.

RECOMMENDATION:

The report is due at KDHE on February 28th via digital delivery. It is recommended the City Commission adopt the resolution supporting the final report at the February 22nd Commission meeting.

ATTACHMENTS:

- Final Draft Report (partial)
 - Executive Summary
 - Comments on Section V of the Permit (Final Report)
 - Section E - Stormwater Management Program Requirements (Six Minimum Control Measures)
 - Links – Final Draft KDHE Report for 2021:
<https://www.leavenworthks.org/publicworks/page/2021-kdhe-annual-stormwater-report>
 - Previous KDHE Annual Reports:
<https://www.leavenworthks.org/publicworks/page/annual-stormwater-reports>

- Email from resident along Vilas Street

RESOLUTION NO. B-2308

A RESOLUTION APPROVING THE 2021 KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT (KDHE) ANNUAL REPORT FOR STORMWATER AND AUTHORIZING THE CITY OF LEAVENWORTH, KANSAS, TO SUBMIT THE REPORT TO KDHE.

WHEREAS, the City of Leavenworth, Kansas is regulated by the Kansas Department of Health and Environment (KDHE) and the US Environmental Protection Agency (EPA) as a Phase II City for stormwater purposes; and

WHEREAS, the City of Leavenworth, Kansas has prepared the Annual Report for Stormwater as required and reviewed such report at the February 8, 2022 City Commission meeting allowing time for public review and input prior to approval by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LEAVENWORTH, KANSAS:

Section 1. That the 2021 Annual Report for Stormwater reflects the direction, efforts and accomplishments by City of Leavenworth for calendar year 2021. It shall be an official record of these actions to meet the requirements of Kansas Department of Health and Environment (KDHE) for an Annual Report until or unless changed by official action.

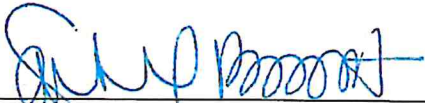
PASSED AND APPROVED this 22nd day of February 2022.

CITY OF LEAVENWORTH, KANSAS



Camalla M. Leonhard, Mayor

ATTEST:



Sarah Bodensteiner, CMC, City Clerk

(SEAL)



CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Executive Summary

SECTION 1: EXECUTIVE SUMMARY

To satisfy the requirements of the NPDES permit, this annual report summarizes the City of Leavenworth's plans and actions to reduce the discharge of pollutants from the municipal separate storm sewer system (MS4) to the maximum extent practicable, to protect water quality, and to meet the appropriate water quality requirements of the Clean Water Act. The information contained within this report was obtained through interviews with City staff, review of permits and projects from 2021, and examining communications and publications made available to the citizens of Leavenworth.

The COVID-19 Pandemic continued to impact the City of Leavenworth activities through 2021. These impacts included sudden absences of key persons and the inability to fill vacant positions in our Operations Division.

City staff pursue activities in all of the Six Minimum Control Measures throughout the year. Key observations for the purposes of this report are shown below.

- **Were there any aspects of the program that appeared especially effective at reducing pollutants in your stormwater discharge?**
 - Contractor and public compliance with implementation of the Land Disturbance Permit requirements is improved over the initial years and is generally satisfactory.
 - Street sweeping is an effective tool for removing pollutants.
 - Use of "Stormwater Utility" funds to address long-standing small to medium-sized issues has reduced erosion in several locations through the "Orange Fence Repair Projects".

- **Were there any aspects of the program that provided unsatisfactory results?**

While most items identified as BMPs (Best Management Practices) are believed to be effective at some level, the passive education and information sharing such as leaving material at the library and having informational brochures available on the City's website were probably the least effective tools identified.

- **What was the most successful part of the program?**

The visibly effective measures of correctly installed construction site runoff control and post-construction activities were the most successful parts of the program.

- **What was the most challenging aspect of the program?**

The most challenging was having developers install and maintain construction site

runoff control. To address this issue, the City issued a stop-work order for a residential development due to failure to install required measures. While the issues were immediately corrected, this is an area that requires continual observation to help ensure compliance.

- **Describe any City/County area MS4 clean ups and the participation.**
 - After being unable to conduct a City-Wide Clean Up in 2020 due to COVID-19 restrictions, the City of Leavenworth was again able to sponsor a "City-Wide" clean-up day with about 35-50 groups picking up trash. This event was held on April 10, 2021.
 - Leavenworth County provides HHW (Household Hazardous Waste) services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in June.
 - The City has a "Three-Mile Creek" monthly clean-up program in which citizens pick up trash. In 2021, there were six citizen groups that received a \$500 donation per group from transient guest tax dollars in 2021.

- **Describe the elected officials' participation in the stormwater pollution elimination.**

The City Commission has supported stormwater pollution elimination by creating a "Stormwater Utility" that is funded by a fee on all properties. This fee is used to address longstanding stormwater problems in the community, typically including reduction or elimination of erosion that has been causing failed roadways, culverts and streambanks. The Commission has also supported staff goal to have all public and private projects have some level of permanent water quality improvement included.

The City Commission reviewed and approved the new Stormwater Management Plan (SMP) on October 27, 2020. Staff was also direct to proceed with ordinances related to fees/fines for operation of BMP installations, construction sites, grease traps and general maintenance of permanent water quality structures.

- **Describe the collaboration with other organizations to eliminate stormwater pollution.**

- The City coordinated a "City-Wide" clean-up day with about 35-50 groups.
- Leavenworth County provided one HHW (Household Hazardous Waste) collection service in June 2021.

- **If an audit/inspection of your MS4 program was conducted by EPA or KDHE during the year, list the items the audit/inspection report identified as required changes and provide a narrative explanation of how the changes were implemented or explain the plan to implement the changes and identify a target date for final implementation.**

There were no known inspections of the MS4 program by KDHE or EPA in 2021.

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Comments on Section V of the Permit

CITY OF LEAVENWORTH

Kansas Stormwater Annual Report Form for Municipal Separate Storm Sewer Systems

January 1, 2021 - December 31, 2021

Kansas Permit No: M-MO12-SN01

Topics in Part V of Permit

The permittee is well advised to accurately report the conditions and status of their stormwater program and give due consideration to improving or enhancing their program where it is weak, or deficient in any of the core aspects (stormwater management program, six minimum control measures and TMDL best management practices - if applicable - also for Phase I permittees monitoring industrial facilities).

TOPICS REQUIRED TO BE ADDRESSED IN THIS REPORT AS IDENTIFIED IN PART V OF THE PERMIT

Within the next one or two pages, or perhaps more if so desired, provide comments addressing the following items:

- 1. Provide the status of compliance with permit conditions, an assessment of the appropriateness of the implemented Best Management Practices, progress towards achieving the statutory goal of reducing the discharge of pollutants to the maximum extent practicable (MEP), and the measurable goals with an indication of the progress toward meeting the goals for each of the six minimum control measures.***

City of Leavenworth opinion is that the information shown in each of the "Six Minimum Control Measures" tables support the conclusion that meaningful reduction in discharge of pollutants has occurred. The global pandemic in 2020 and 2021 restricted the number and size of public meetings. This impacted the Public Education/Outreach as well as the Public Involvement/Participation minimum control measures.

- 2. Provide results of information collected and analyzed, (for example test results, surveys, or public comments/input) during the annual reporting period. This may include monitoring data used to assess the success of best management practices with respect to reduction in pollutant discharge. Include an interpretation of the information which addresses success or failure of the portion of the program for which the information applies.***

The City has collected information on a wide variety of municipal activities associated with various BMPs. This includes data on street sweeping, deicing use (salt), grease trap program, land disturbance permit issuance, SSO reporting, BMP operation (particularly detention basins) annual meeting and others. There has been no overall "trend" noticed in this data, but it is indicative of the effort of our community to be aware of important issues related to water quality. Specific data for many of these reporting items is in the assessment of the various BMP activities for the last year. It is clear that staff, public, contractors and businesses are aware of the various permitting programs associated with the SMP, and water quality is improved and/or maintained as a result. Participation in individual programs may have been reduced during the year due to COVID.

3. Provide a summary of the stormwater activities that were undertaken during the previous calendar year and the status of these activities.

Key programs associated with stormwater activities, all of these programs were conducted in 2021 as noted. There are many other smaller programs as well.

- ✓ Building Permits, Fills, Excavations are evaluated for needing an NOI, Land Disturbance Permit, Basic Erosion Control, SWPP and other clean water related elements
- ✓ Projects under construction are inspected and deficiencies brought to the attention of the contractor, owner or other appropriate person
- ✓ City-wide civic effort for "Spring Clean-up"
- ✓ Grease Trap Program inspections and reports
- ✓ BMP annual meeting
- ✓ Street Sweeping Program.
- ✓ Leaf Collection by the Refuse Service and free drop off at the City's brush site.
- ✓ Free Drop-Off Recycling Program
- ✓ Household Hazardous Waste Program (Coordinated with Leavenworth County)
- ✓ Free drop-off refuse disposal once per month
- ✓ Maintain "Clean-up your Dog Poop" effort at selected City parks
- ✓ Adopt-A-Park Program to help maintain/clean City parks
- ✓ Aggressive response to SSO calls 24/7
- ✓ Sewer line cleaning and TV program
- ✓ Stormwater articles in City newsletters

4. Provide a summary of the stormwater activities which are scheduled to be undertaken during the next calendar year (including an implementation schedule).

All activities as noted in #3 are expected to be continued in 2022. City Staff and Commission will continue to evaluate the measures taken and update any associated BMPs in 2022.

5. Provide a map showing changes in the permittee's Permit Area if the permit area has changed within the year.

There were no changes to the City Limits in 2021.

6. Provide a description of significant changes in any of the BMPs.

There were no significant changes to the BMPs in 2021.

7. Provide copies of any ordinances or resolutions which were updated in the last year and are associated with the SMP.

There were no ordinance or resolutions updated in 2021 associated with the SMP.

8. Provide a list of other parties (such as other municipalities or consultants), which are responsible for implementing any of the program areas of the Stormwater Management Program.

There were no other municipalities or consultants involved with implementing the SMP.

Section E

Stormwater Management Requirements (Six Minimum Control Measures)

Stormwater Management Program (SMP) Requirements (Six Minimum Control Measures)

1. Public Education and Outreach (Table) - Please fill out accordingly

List all of the public education and outreach BMPs as identified in the SMP and provide the requested information in the following table.
(List presentations and media)

1. PUBLIC EDUCATION & OUTREACH (ED & O)			2021	
BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	4 Points Total	Actual
			Value	POINTS
ED & 0 - 01	Maintain a stormwater webpage for the permittee.	Stormwater webpage - https://www.leavenworthks.org/citymanager/page/stormwater-projects	3	3
ED & 0 - 02	Distribute educational materials (either flyers, brochures, catalog mailings, handouts, or e-mails) addressing various pertinent stormwater public education topics.	Flyers and educational materials are available on the City's website.	2	
ED & 0 - 03	Provide either training or educational materials to permittee-identified businesses at high risk of contributing to stormwater pollution.	Stormwater Education Brochures - https://www.leavenworthks.org/publicworks/page/stormwater-education	2	
ED & 0 - 04	Apply notification, placard, covers/hatches with message, or stencil, on stormwater inlets to provide a message similar to "No Dumping - Drains to River"	All new storm structures have the message, "Drains to Stream". City applies the message to older structures; however, did not meet the 10% threshold in 2021.	2	
ED & 0 - 05	Post the municipality's MS4 permit and SMP document on either the stormwater webpage or the municipal webpage.	SMP - https://www.leavenworthks.org/publicworks/page/engineering MS4 Permit - https://www.leavenworthks.org/publicworks/page/engineering	1	1
ED & 0 - 12	Create a stormwater information brochure to provide to the public at public meetings and/or hearings.	The City utilizes MARC brochures; however, due to COVID restrictions and corresponding limited public meetings the City did not meet the public threshold in 2021.	1	
ED & 0 - 15	Hold a social media campaign addressing various pertinent stormwater public education topics.	Stormwater information has been published through social media, but does not meet the threshold in 2021 to acquire the points.	2	
TOTAL			13	4

SMP Requirements (Six Minimum Control Measures) (Continued)

2. Public Involvement and Participation (Table) - Please fill out accordingly

List all of the public improvement and participation BMPs as identified in the SMP and provide the requested information in the following table.
(List all associated and partnerships)

BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	2021	
			3 Points Total	POINTS
			Value	Actual
P I/P - 01	Hold a public hearing or public forum to notify the public about stormwater program activities and to solicit public comments regarding stormwater issues.	City Commission reviewed KDHE annual stormwater report February 8, 2022. The meetings were also broadcast on the City's channel cable TV station and YouTube. City Commission reviewed stormwater projects for CIP in 2021, and approved design and construction of several projects. List and stormwater-related documents are at: https://www.leavenworthks.org/citymanager/page/stormwater-projects	2	2
P I/P - 03	Hold park or stream bank clean-up events for public volunteers to aid municipal staff in removing trash, debris, or pollutant sources from the selected clean-up area.	City-wide Spring Cleanup - April 10, 2021. Services offered to residents include open Brush Site, Recycling Center, large-item drop off and electronics recycling. City coordinated with Leavenworth County and a special event to dispose of HHW was held at the City Municipal Center in June.	3	3
P I/P - 05	Provide at least two events for residents to engage in cleanup activities and improve water quality in the municipality.	The City has a "Three-Mile Creek" monthly clean-up program in which citizens pick up trash. In 2021, there were six citizen groups that received a \$500 donation per group from transient guest tax dollars in 2021.	3	3
TOTAL			8	8

SMP Requirements (Six Minimum Control Measures) (Continued)

3. Illicit Discharge Detection and Elimination (Table) - Please fill out accordingly

List all of the illicit discharge detection and elimination BMPs as identified in the SMP and provide the requested information in the following table.

BMP Summary	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	2021	
			5 Points Total	
			Value	Actual
I D & E - 04	Implement a program to evaluate MS4 outfalls to identify illicit discharges.	The City's stormwater map identifies MS4 outfalls. If residents identify concerns regarding illicit discharges, they are forwarded to Water Pollution Control for evaluation and possible action. The City does not meet the threshold in 2021 to acquire the point.	1	
I D & E - 06	Inspect, by televising pipelines or direct visualization of open channel drainage, 2% of the MS4 system within the permit area all conducted within a 12-month period to aid in identifying illicit discharges as well as evaluate the condition of the storm sewer lines/drainage channels-ditches.	The City visually inspects open channels and televises pipelines, but does not meet the threshold for 2021 to acquire the points.	3	
I D & E - 07	Implement a Household Hazardous Waste Collection Program (HHWCP) or document others who have implemented such a program to provide such service to all property owners or residents located within the permit area.	Leavenworth County provides HHW services throughout the year and a special event to dispose of HHW was held at the Municipal Service Center in June.	3	3
I D & E - 10	Inspect 5% of the MS4 system Stormwater inlets and/or outfalls within the permit area all conducted within a 12-month period to aid in identifying illicit discharges.	Stormwater crew inspected and/or maintained approximately 3,149 inlets and area drains and other stormwater facilities.	3	3
TOTAL			10	6

SMP Requirements (Six Minimum Control Measures) (Continued)

4. Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly

List all of the Site Stormwater Runoff Control BMPs as identified in the SMP and provide the requested information in the following table.

BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	2021	
			4 Points Total	POINTS
			Value	Actual
CSSRC - 01	Implement a requirement for a Soil Erosion and Sediment Control (SESC) Plan for any land disturbance sites which are either equal to or greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City requires a land disturbance permit (LDP) for any project more than one acre. This includes submittal of a plan identifying all needed erosion control measures.	3	3
CSSRC - 02	Develop and adopt a design manual for erosion and sediment control BMPs which are required to be used on sites which will be disturbed and are either equal to or greater than one acre, or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more.	The City follows APWA erosion control BMPs. Not taking points in 2021.	3	
CSSRC - 04	Develop a site plan review process which considers potential water quality impacts which may occur during construction as well as post construction impacts.	The City reviews every site plan for both water quantity and water quality. Building permits are not issued until water quality is addressed.	3	3
CSSRC - 07	Acquire or develop a software tracking system to track inspections and related tasks.	The City uses MUNIS to track and schedule inspections.	1	1
		TOTAL	10	7

SMP Requirements (Six Minimum Control Measures) (Continued)

5. Post-Construction Site Stormwater Runoff Control (Table) - Please fill out accordingly

List all of the post-construction site stormwater runoff BMPs as identified in the SMPs and provide the requested information in the following table.

BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	2021	
			5 Points Total	
			Value	POINTS Actual
P-C SM - 01	Develop and adopt a custom design manual for Post-Construction Stormwater Management which specifies various structural BMPs which are required for new development and re-development construction sites which are greater than one acre or for which there is construction activity disturbing less than one acre which is part of a larger common plan of development or sale that in total disturbs one acre or more. (Points shown reflect adopting existing APWA/MARC manuals.)	Link to APWA/MARC manuals posted at City's website: https://www.leavenworthks.org/publicworks/page/public-education-brochures Link to the City of Leavenworth Manual of Infrastructure Standards: https://www.leavenworthks.org/publicworks/page/engineering Note: the permit allows six points for adopting the APWA/MARC manuals. The City is taking five points, per the permit, for subsequent years.	4	5
P-C SM - 03	Develop and implement a program to ensure adequate long-term cleaning, operation and maintenance of all municipally-owned or operated post-construction structural stormwater BMP facilities.	Currently developing a program.	3	
P-C SM - 05	Develop and implement a program for inspection of permittee-owned structural BMPs which includes implementation of needed maintenance to ensure long-term operation of the BMPs.	Documentation of inspection and communication - 2021 Detention Basic Public Meeting. Attendees were given a packet containing the meeting agenda, a basic overview of detention basin maintenance, examples of an emergency spill plan, and an inspection form. City spent 84hours conducting inspections of selected sites on random, after rainfall, or with depth-recording equipment.	3	3
P-C SM - 06	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.	City continues outreach to detention basin BMP owners. A meeting was held March 14, 2021 with 10 attendees who were given a packet containing the meeting's agenda, a basic overview of detention basin maintenance, examples of an emergency spill plan and an inspection form. This effort will continue and expand. Currently there are 68 BMP sites.	3	3
TOTAL			13	11

SMP Requirements (Six Minimum Control Measures) (Continued)

6. Municipal Pollution Prevention / Housekeeping (Table) - Please fill out accordingly

List all of the municipal pollution prevention / housekeeping BMPs as identified in the SMPs and provide the requested information in the following table.

BMP Program	BRIEF BMP DESCRIPTION	MEASURABLE GOAL(S)	2021	
			5 Points Total	
			Value	Actual
PP/GH - 01	Install a screening device or method at a single municipal storm sewer outfall or on the storm sewer line immediately upstream of the outfall to reduce the discharge of floatables or other objects to receiving waters.	Parking lot across from City Hall screens runoff. Device was previously installed so using two points per permit.	3	2
PP/GH - 02	Implement a recycle and proper waste disposal program for municipal staff to reduce potential for litter, to recycle waste oil, batteries, glass containers, plastic containers, and paper products.	While staff does this, not claiming points in 2021.	2	
PP/GH - 05	Implement a program for street sweeping in which the street sweepings are collected and disposed of properly or recycled/reused if possible.	<ul style="list-style-type: none"> Street sweeping program operations continued throughout the year. City currently has only one sweeper in operation; **the second sweeper became inoperative in mid-June, 2021. Sweeper No. 3332 from Jan-Dec: **Sweeper No. 3333 from Jan-Jun 11: Miles of streets swept - 1,396.2 	3	3
PP/GH - 07	Implement a program to inspect stormwater inlets to identify illicit discharges and clean drop inlets of accumulated debris.	Stormwater crew inspected and/or maintained approximately 3,149 inlets and area drains and other stormwater facilities.	1	1
PP/GH - 08	Develop, implement and keep updated an online storm sewer map accessible to the public.	Number inlets cleaned - 871, number inlets vacuumed - 92 Map can be viewed at the City's GIS website: http://gis.firscity.org/	3	2
PP/GH - 12	Install a stormwater treatment system for capture of either trash, sediment, or debris.	Map published previously, so taking two points per permit. City installed a stormwater treatment system in inlets along Thornton Street; not taking points in 2021.	3	
TOTAL			15	8

Email from
Ms. Joyce Bishop

From: Joyce Bishop <joyce@bluemoonhouse.com>
Sent: Wednesday, February 16, 2022 8:44 AM
To: Penny Holler <Penny.Holler@firstcity.org>
Subject: Public Comment on Storm Water Report

I am responding to the article in the February 15th, Leavenworth Times, seeking public comment on the stormwater report due to KDHE by February 28th.

Although the article gave what was the location of the draft report in public works section of the city's website, I was unable to locate the specific report. I was able to review various information and maps located in the section but found no mention of the issues with stormwater run off the citizens in the area of Valhala, Vilas, Holman, between 13th and 14th Streets are experiencing during heavy rains.

Although a storm drain is located just west of 1313 Vilas on the south side of the street, there is an issue of storm water taking the route of our driveway and the area between 1313 Vilas and the house next door on the east. During heavy rains these waters sidestep the storm drain, going down the drive and east yard like a stream, to the back west line, and ending up creating a quagmire for the neighboring houses on Holman and the south side of Vilas west of our home.

I had visited the Public Works department in person and was able to share this situation with three engineers and the department assistant last summer. They said they would visit the area and respond but did not do so. This was in the summer of 2021.

As we discussed the area, it was mentioned possibly the lack of curbs on the south side of Vilas was the cause of the storm water not reaching the drain. These homes had been built in the 1970s prior to curbs being required. It was also prior to all the homes on Valhala being built and probably this very steep street itself which flows nearly straight into the drive at 1313 Vilas.

I had asked what could be done to put in curbs, even suggesting affected property owners sharing in the cost. As I said, no one responded.

This situation effects 4 houses on the south side of Vilas plus at least three homes on the north side of Holman.

Please share my comments with Leavenworth City Commissioners prior to their considering approval of the final version of the report on February 22nd.

Thank you for your assistance in helping make the City of Leavenworth a great, safe and healthy place to live.

Joyce Bishop
1313 Vilas
Leavenworth, KS. 66048
Joyce@bluemoonhouse.com