

VILLAGE OF LEXINGTON ILLCIT DISCHARGE ELIMINATION PLAN (IDEP)

INTRODUCTION

This Illicit Discharge Elimination Plan (IDEP) is intended to prohibit and effectively eliminate illicit discharges, the discharge of sanitary wastewater, illicit connections and illegal dumping/spills to the Village of Lexington's separate storm water system. The IDEP will focus on storm water outfalls and point source discharges within the Village's jurisdictional limits and the most current census data's urbanized area only. Illicit Discharges originating outside of the jurisdictional boundaries are not the responsibility of the Village of Lexington.

The IDEP will be implemented by Village staff or their consultant and only involving County agencies and nested jurisdictions on an as needed basis.

To report an illicit or suspicious discharge or the discharge of any of the pollutants listed above please contact the Village of Lexington Offices at 810-359-8631 or the Village of Lexington Water Treatment Plant at 810-359-5901.

The IDEP includes the following sections:

- Definitions
- IDEP goals
- Legal authority
- Training
- Locating problem areas
- Plan
- Finding the source
- Minimizing seepage from septic systems and sanitary sewers
- Responding to illegal dumping and spills
- Response to illicit discharges once the source is identified
- Preventive measures
- Documentation and reporting
- Implementation schedule
- Measurable Goals

DEFINITIONS

- **Municipal separate storm sewer system:** A system (including, but not limited to roads, catch basins, curbs, gutters, parking lots, ditches, storm sewers, conduits, pumping devices, or man-made channels) that is designed or used for collecting or conveying storm water; is not a combined sewer; and is not part of a publicly owned treatment works. The term does not include separate storm water drainage conveyances that serve an individual building or comparable discrete area. The system may convey specified non-storm water discharges as listed in Part I. A.7. a.2. The term includes both open and enclosed drainage systems that are owned or operated by the Village and discharge either to a surface water of the state or to a separate storm water drainage system operated by another public body. It

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may include orphan or abandoned drains within the Village limits. Open drains that are considered to be surface waters of the state are not considered part of the separate storm sewer system.

- **Illicit discharge:** Any discharge (or seepage) to the separate storm water drainage system that is not composed entirely of storm water or uncontaminated groundwater.
- **Illicit connection:** A physical connection to the separate storm water drainage system that (1) primarily conveys illicit discharges into the system and/or (2) is not authorized or permitted by the local authority (where a local authority requires such authorization or permit).
- **Point of discharge:** An outfall from a drainage system to waters of the state, or a point where a storm water drainage system discharges into a system operated by another public body.
- **Outfall point:** A point source from a drainage system that discharges to waters of the state.
- **Significant illicit discharge:** A discharge that shows evidence of impairing water quality in the receiving water.

IDEP GOALS

- Find, prioritize, and eliminate illicit discharges and illicit connections identified during dry weather screening activities.
- Minimize infiltration of seepage from sanitary sewers and onsite sewage disposal systems into the separate storm water drainage system.
- Reduce illicit discharges into the separate storm sewer system by educating municipal employees and the general public.
- Establish the legal authority or regulatory mechanism for the municipality to eliminate illicit discharges found entering the separate storm sewer system.
- Maintain a map of the municipal separate storm sewer system, point sources, and storm water outfalls. The Village of Lexington's Storm Sewer System Map inventory will be updated within 30 (thirty) days as facilities and structural stormwater controls are added, removed, or no longer owned or operated by the applicant.
- Establish a system to document and report information regarding the IDEP, including complaints, outfall screening, and illicit connections found and removed.
- Determine a method to evaluate the effectiveness of the illicit discharge elimination activities based on the watershed goals.

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LEGAL AUTHORITY

The Michigan Plumbing Code of 2003, the Michigan Drain Code of 1956, Michigan Act 451, and the Federal Clean Water Act provide the basic legal tools to implement the IDEP.

TRAINING

Training will be provided to increase the awareness of Village employees in regard to the goals and provisions of the IDEP. Permittees will train staff who are involved in storm water management related activities, or who have jobs with the potential for witnessing illicit discharges and connections. Staff will be trained at least 2 (two) times every 5 (five) years (i.e. twice per permit cycle) and within the first year of employment. The dates for the training will be determined with Village staff upon the issuance of the permit. Additionally, training will begin 1 (one) year after the issuance of the permit.

Field personnel will be provided training prior to conducting storm water outfall screening and activities associated with identifying and eliminating the source of unauthorized discharges and illicit connections. Training will include the following:

- Types of illicit discharges/connections
- Techniques for finding and identifying illicit discharges/connections
- Health and safety
- Documentation and reporting procedures
- Use of sampling equipment and other tools
- Outfall mapping
- Visual and olfactory outfall screening procedures
- Chain-of-Custody Record completion
- Proper protocol for sample handling, preparation, and transportation
- Procedures for eliminating illicit discharges/connections

Training will be provided by a registered professional engineer or similar competent person, and include recognition of naturally occurring phenomena and their sources.

LOCATING PROBLEM AREAS

The field work to identify and eliminate illicit discharges and illicit connections has been completed during the first permit period. The Village of Lexington will now be in a maintenance mode for this permit period. This will involve updating the completed Storm Sewer System Map on an as needed basis. The Village will use Table 1 of the permit in Part I, A,b,2. as a means of prioritizing and problems noted when the outfall monitoring is occurring over the period of time until the permit expires. The Village of Lexington will use its existing IDEP and to monitor as necessary until a new permit is issued and new requirements may be in the new jurisdictional permit. Furthermore, *Figure 1. Locating Problem Areas*, found in the Appendix section, will be utilized to identify and eliminate illicit discharges and illicit connections.

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PLAN

All aspects of the IDEP will be documented by action and evaluation methods as found in the SWMP REPORTING portion of this SWMP. Locating Problem Areas and the presence of unauthorized discharges from the municipal separate storm water drainage system to the waters of the state will be identified using the following techniques:

- Field personnel will conduct a reconnaissance of all storm water outfalls from municipal separate storm water drainage systems originating within the Village limits. The locations for this reconnaissance will be based on the outfall mapping and information provided by the municipal personnel. The Village has a map that includes the storm water drainage system. The map identifies all known MS4 outfalls and points of discharge. The locations of all observed storm water outfalls are documented. Field personnel will complete a log of preliminary findings, judgments, and suspicions during the course of the reconnaissance. Additional locations (outlets) will be included in the map as they develop.
- Dry weather screening of all municipal separate storm water outfalls will be completed once per permit cycle (i.e. one time over the five-year period). Dry weather screening will be performed by either the Village of Lexington's appointed Stormwater Program Manager and/or the Village's designee. Dry weather screening will not commence until at least 48 (forty-eight) hours after any rainfall event. At a minimum, visual and olfactory screening of any dry weather discharge from the storm water outfalls will be completed. A digital photo record of the outfall will be taken. A follow-up investigation of outfalls which do not have dry weather flow will be conducted if there is evidence of dry weather discharges. The minimum data collected from the outfall screening will include information about odor, color, clarity, deposits, stains, foam, sheen, trash, floatable matter, and vegetation around the outfall. If dry weather flow is present, an estimate of the flow rate will be made and recorded. The procedure for dry weather outfall evaluation is indicated on Figure 2, found in the Appendix section.
- A visual observation will be conducted and field screening tests will also be completed for parameters such as dissolved oxygen, ammonia, pH, specific conductivity, surfactants, bacteria (*only if other parameters warrant for this specific testing*), chlorine and temperature if there appears to be a significant potential that there is an unauthorized dry weather discharge from the outfall.
- A report form will document the results of outfall screening and testing.
- The map of storm water outfalls will be updated to document the findings of the reconnaissance. This map will be used to identify the points where screening will occur. The Village of Lexington's Storm Sewer System Map inventory will be updated within 30 (thirty) days as facilities and structural stormwater controls are added, removed, or no longer owned or operated by the applicant
- A map of point sources and the MS4 will be prepared as needed or required.
- The survey will be repeated at least every 5 (five) years.

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- If untreated or partially treated sewage of human origin is found to be discharged from the drainage system, the Village will comply with the requirements of Section 324.3112a of Part 31 of Public Act 451 of 1994 as amended, including notification of the MDEQ, local health department, and one or more daily newspapers of general circulation.

FINDING THE SOURCE

The field investigation necessary to *Finding the Source* of illicit discharges will be completed if the source of an illicit discharge is not identified by field screening. The prioritization for tracing illicit discharges to their source will be based on factors such as whether the area is known to have high bacteria problems or vulnerability to bacterial contamination, significant industrial or commercial development, dense housing without sanitary sewer connections, public notification, or complaints, and the sensitivity of the receiving stream. The procedures to determine the source of illicit discharges may include, but not limited to, the following type of activities:

- Inspection and/or testing the discharges within the upstream separate storm water drainage system.
- Televising the storm sewers or dye testing premises in the vicinity of a suspected illicit connection. Dye testing will not be conducted without prior MDEQ approval, in accordance with Rule 1097 (Rule 323.1097 of the Michigan Administrative Code).
- Investigation of sources located upstream of outfalls with documented dry weather flow.
- Investigation of complaints, reports, or notification of suspected illicit discharges.
- Distribution of letters to residents and businesses alerting them to the problem that is under investigation and soliciting their assistance in finding the source of an illicit discharge.
- A building-by-building evaluation where a potential illicit connection has been isolated to a small area.

Source investigative procedures are investigative efforts in a waterbody where screening and/ or other monitoring results indicate a potential illicit discharge upstream. Surveys may involve reviewing storm and sanitary system maps, walking or driving open drains upstream, testing catch basins upstream for *E. coli*, surfactants, ammonia, specific conductivity and/or temperature, dye testing, televising or smoke testing. Source investigations can be very resource demanding in an enclosed system. Investigation of the age of infrastructure and land use where illicit discharges may be more likely and the location of discharge points in the area to be investigated is essential before initiating field work. Procedures vary based upon the methods used and will be determined before initiation of investigative activities. **If the discharge is a human health or safety issue the investigation will begin within forty-eight (48) hours of discovery.** Otherwise, schedules and timeframes will be determined on a case by case basis before initiation of investigation activities. When deemed necessary and/or the Village has expended all funding and available

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resources, the MDEQ will be contacted for assistance if the illicit dumping/spill discharges to waters of the state.

MINIMIZING SEEPAGE FROM SEPTIC SYSTEMS AND SANITARY SEWERS

The Village will coordinate its IDEP effort with the Sanilac County Health Department (SCHD) to assist in mitigating any problems found with these OSDS.

An OSDS found during the implementation of the IDEP to be infiltrating into a municipal separate storm water drainage system will be referred to the SCHD. In the unlikely event that the SCHD finds unacceptable seepage, the Village will cooperate with them and report to the MDEQ on the finding in the progress report.

At such time that a sanitary sewer system becomes available, the property owner will be required to connect whether or not the OSDS is failing. The potential for seepage from sanitary sewers into the storm water drainage system will be investigated in the process of *Finding the Source* of illicit discharges. Sanitary sewer overflows or cross-connections to a storm sewer will be corrected as soon as possible.

RESPONDING TO ILLEGAL DUMPING AND SPILLS

A. Schedule for responding to an illicit discharge complaint

Evaluation of an illicit discharge complaint is very important and shall be initiated within two (2) business days of a complaint being received, if not sooner. The only exception is when the nature of the complaint includes dumping and/ or a spill of a potentially hazardous material in which case the response will be as immediate as possible (within forty-eight (48) hours of discovery).

All actions initiated as a result of a complaint shall be recorded as part of the complaint's file until it is resolved and/or closed. The initial response to a complaint shall include referral to the appropriate staff for a field visit to the complaint location. As part of this initial response, staff shall record the following:

- visual observations,
- conversations with the complainer or neighbors in the vicinity of the complaint,
- pictures of the complaint location and/or characteristics, and
- follow-up actions that result.

If, after staff conduct an initial field visit, it is determined that the complaint is not worthy of further response, the reasons for closing the complaint shall be recorded, the complaint shall be closed, and this shall all remain documented in the permittee's complaint files.

B. Schedule for field screening and source investigations

If the initial site visit which results from a complaint warrants performing further field screening and/or source investigations, these actions shall be initiated within seven (7) days of the initial site visit. All field investigations shall be recorded as part of the complaint's file until that complaint has been solved and/or officially closed.

RESPONSE TO ILLICIT DISCHARGES ONCE THE SOURCE IS IDENTIFIED

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The permittee shall correct and/or enforce the correction of illicit discharges within 90 (ninety) days of notification to the property owner or confirmation of source identification **to the maximum extent practicable**. *(Note- This response excludes dumping and/ or a spill of a potentially hazardous material which are high priority and response will be within forty-eight (48) hours of discovery.)*

The Village is committed to expeditiously correcting any illicit discharges within their MS4. Once the source of an illicit discharge has been confirmed as privately owned, the Village representative, or the Village consultant, will use the following procedures to correct the illicit discharge. If the Village, or the Village consultant, decide(s) to modify the following procedure, they will make note of the alternative procedures in their IDEP records and progress reports for their permit.

1. First Notice: Notification of Problem and Correction Needed

Once the source(s) of an illicit discharge is located, within 5 (five) business days of the confirmation, the Village, or Village consultant, will provide the first written notice to the owner of the illicit discharge by registered mail. The first written notice will notify the discharge owner of the illicit discharge, the regulatory authority to require correction, and the potential enforcement actions that will take place if the discharge is uncorrected in 90 (ninety) days. All notifications will request that the discharge owner contact the permittee regarding plans for correction within 90 (ninety) days. Tracking of all notifications and documentation of registered mail receipts will be retained by the permittee.

2. Second Notice: Forty-Five Days Left to Respond

If 45 (forty-five) days has passed from the date of the 1st written notice and no response has been received by the discharge owner, the second written notice will be sent. The second written notice will remind the discharge owner of the illicit discharge, the prior notice, the regulatory authority to require correction, the potential enforcement actions that will take place if the discharge is uncorrected in 45 (forty-five) days, and a request for the owner to contact the permittee regarding plans for correction.

3. Final Notice

If 90 (ninety) days has passed from the date of the first written notice, the third written notice will be sent. The third notice will remind the discharge owner of the illicit discharge, the prior notice, the regulatory authority to require correction, and plans to enforce the correction of the illicit discharge. *(See Ordinance for the Village- Illicit Discharge and Connection Ordinance Chapter 34 Environment, Section 34-120 to End, pgs. 79-93 of the Village of Lexington's Code of Ordinance)*

The Village will make every reasonable effort to eliminate high priority illicit discharges / connections and illegal spills / dumping as soon as feasibly possible. Problems vary widely in complexity and cost of correction. Some problems can be corrected almost immediately or within 30 (thirty) days, while others may take preparation of detailed drawings and specifications, bidding, and construction. The severity of the problem will also affect the time frame for correction. Some illicit connections almost never have discharges. While these need to be corrected, they do not have the urgency of connections that have continuous discharges.

PREVENTIVE MEASURES

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Mechanisms will be put in place to prevent future illicit discharges and connections. The Village will evaluate strategies for prevention of new illicit discharges. Examples of potential preventive measures that will be considered include are the following:

- Provide and advertise the availability of recreational vehicle sewage disposal.
- Programs to eliminate sanitary sewer overflows.
- Consideration of potential illicit connections/discharges during site plan review.
- Inspection procedures for new development or redevelopment.
- Training Village personnel in recognizing indications of illicit discharges and how to properly report their observations.

DOCUMENTATION AND REPORTING

A progress report will be submitted to the MDEQ on the implementation status of the IDEP by the dates stated in the Village's ACO. The progress report will cover all of the decisions, actions, and results performed as part of the IDEP during the reporting period. At a minimum, the progress report will include the following:

- Documentation of any actions taken to eliminate illicit discharges.
- A list of pollutants of concern, the estimated volume and load discharged, and the locations of the discharge into both the MS4 and the receiving water will be provided for significant illicit discharges.
- The status of the program to minimize seepage from sanitary sewers and onsite sewage disposal systems into the MS4.
- Updated outfall/point of discharge source mapping.
- A schedule for elimination of illicit connections that have been identified, but have yet to be eliminated.
- An updated IDEP implementation schedule.
- An evaluation of the effectiveness of the IDEP program:
 1. Within each progress report the evaluation will include statistics on the number of outfall and point of discharge sources that were screened within the timeframe of progress reporting (*Report on the number of outfall and point of discharge sources screened on a year by year basis*). Evaluation of overall effectiveness include the following:
 - a. The effectiveness of using different detection methods.
 - b. The number of discharges and/or quantity of discharges eliminated using different enforcement methods.
 - c. The program efficiency and how often staff are being trained for the IDEP program.

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2. Furthermore, the evaluation will include statistics on the number of illicit discharges / connections and/or illegal spills / dumping eliminated and the number and type of violations that were investigated upon during the progress reporting period.
- To immediately report any release of any polluting materials from the MS4 to the surface waters or groundwater of the state, unless a determination is made that the release is not in excess of the threshold reporting quantities in the Part 5 Rules, please contact the appropriate MDEQ District office, or if the notice is provided after regular working hours, please call the MDEQ's 24-Hour Pollution Emergency Alerting System at 1-800-292-4706.

IMPLEMENTATION SCHEDULE

The implementation schedule for completion of the IDEP is as follows:

- The Village currently has legal authority to deal with illicit discharges. (*Ordinance; Chapter 34 Section 34-120, adopted January 22, 2007*)
- Training of general municipal employees in regard to the IDEP goals and program will be completed as needed and will be documented in the reporting mechanism for this section.
- Training of field personnel who are responsible for implementation of the IDEP will be completed prior to beginning the reconnaissance of the waters of the state.
- *Locating Problem Areas* has been completed.
- A program for *Finding the Source* of illicit discharges to the municipal separate storm water drainage system will begin after completion of *Locating Problem Areas*, and will be completed within 12 months. Significant illicit discharges will be investigated immediately upon discovery.
- Removing/Correcting Illicit Connections to the municipal separate storm water sewer system will be completed expeditiously. Significant illicit discharges will be eliminated as soon as possible.
- A map of outfall and point of discharge sources, reconnaissance locations, and the municipal separate storm water system will be submitted to the MDEQ with the progress report.
- A progress report will be submitted by the date indicated on the Administrative Consent Order (AOC) and every two years thereafter. It is impossible to measure the environmental benefit of actions taken to prevent water pollution.

MEASURABLE GOALS

- Number of reported illicit discharge reports received, investigated and passed on to the MDEQ or MDEQ 24-Hour Pollution Emergency Alerting System per year basis.
- Review of progress reports and how quickly illegal discharges were documented as being cleaned up.

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- Review of the evaluation of the effectiveness of the IDEP program per year basis.

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APPENDIX SECTION

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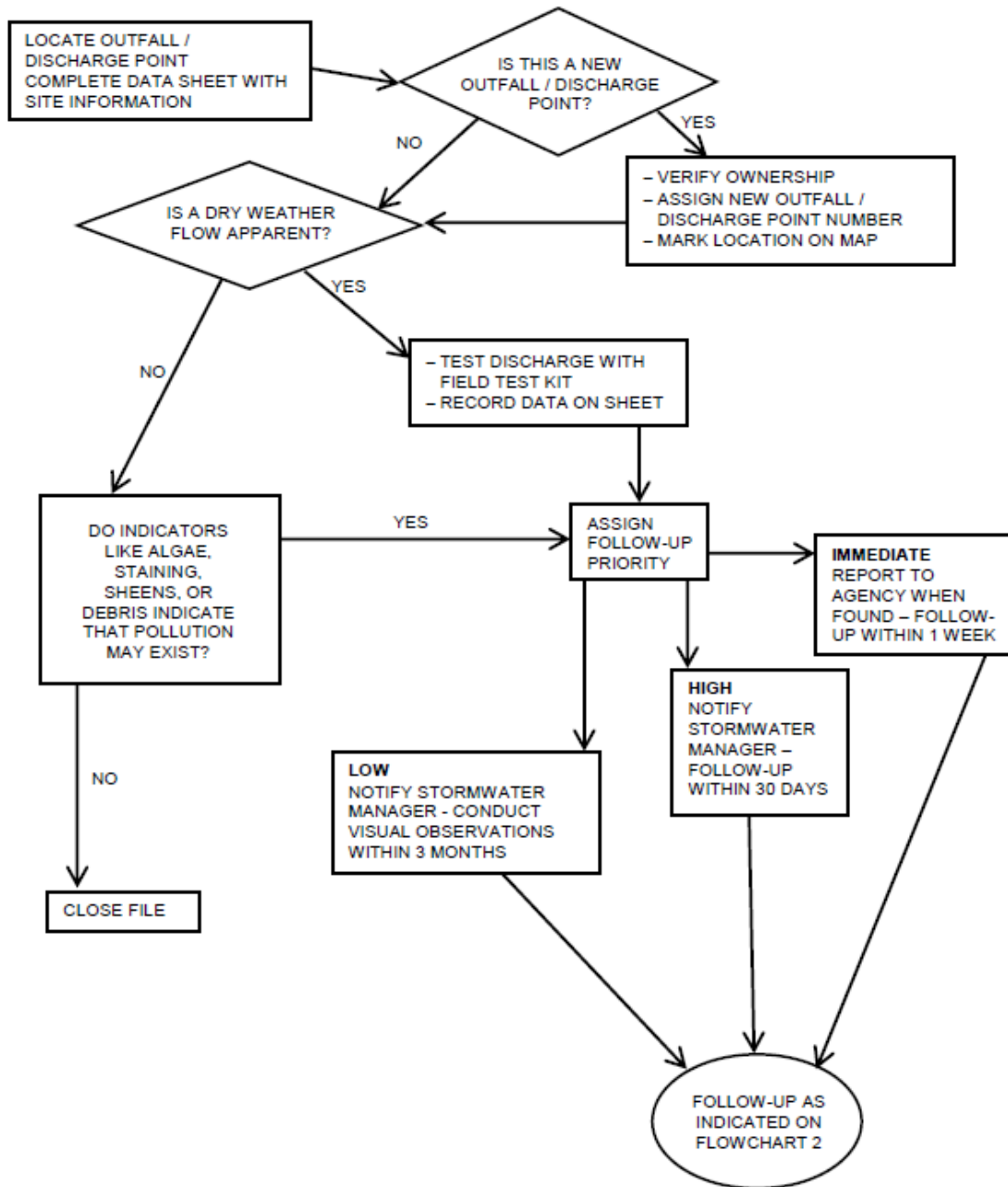


Figure 1. Locating Problem Areas

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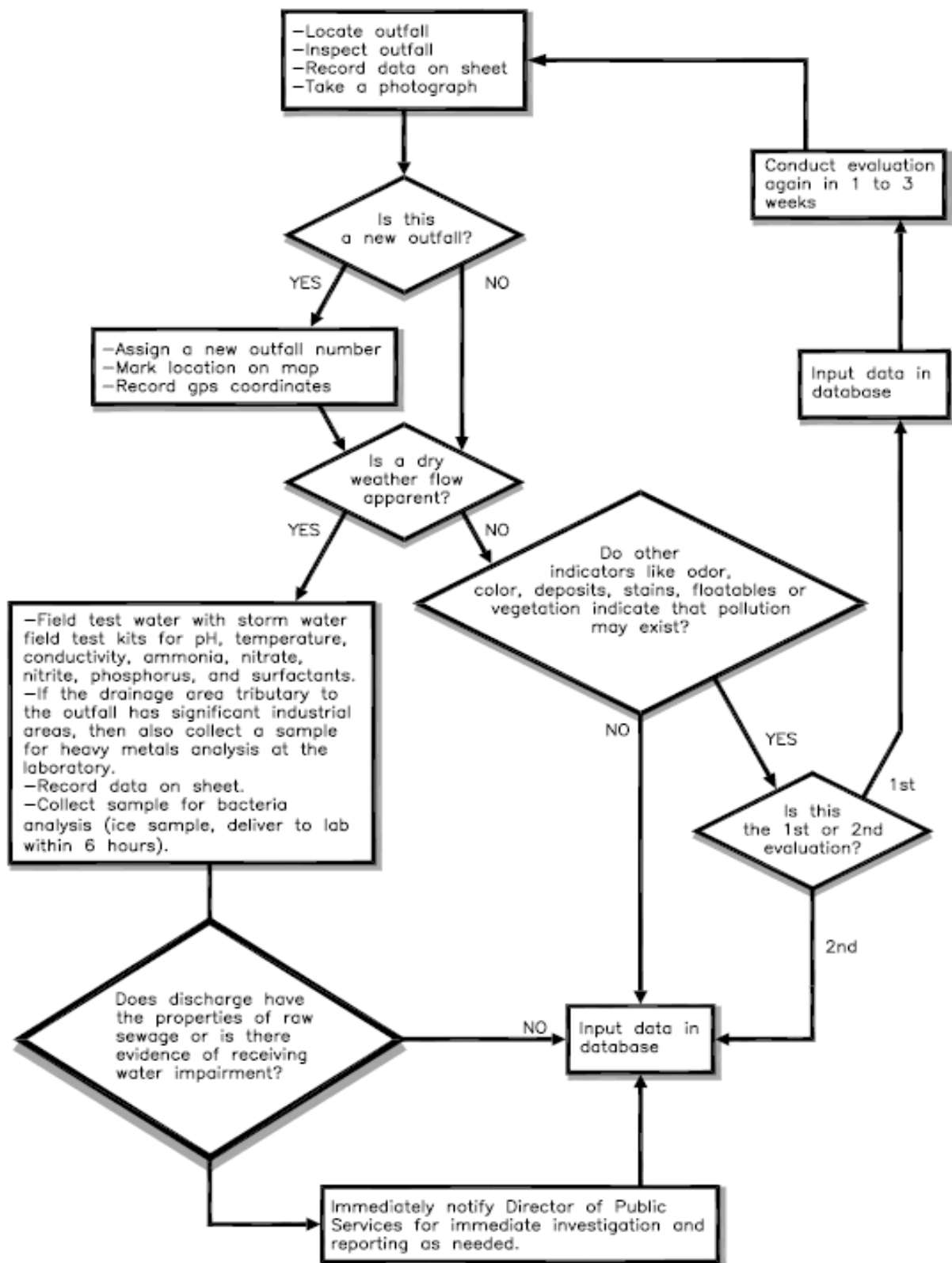


Figure 2. Dry Weather Outfall Evaluation