



Agency Use
MTR04 _____
Date Rec'd:
Amount Rec'd:
Check No.:
Rec'd By:

FORM <b>MS4-AR</b>	<b>MPDES Storm Water Small MS4 Annual Report Form</b>				
	Reporting period is for the calendar year, January 1st through December 31st. Check one. Annual Report is due by March 1st of the following year.				
	<input type="checkbox"/> 2017	<input type="checkbox"/> 2018	<input type="checkbox"/> 2019	<input type="checkbox"/> 2020	<input type="checkbox"/> 2021

**Instructions: This Annual Report Form is to be completed by each permittee and co-permittee authorized to discharge storm water under the General Permit for Storm Water Discharges Associated with Small Municipal Separate Storm Water Sewer Systems (MS4s). All authorized permittees and co-permittees are required to complete this Annual Report Form for each calendar year reporting period. For co-permittees authorized under one permit authorization or for co-permittees with multiple authorizations, you are required to complete this form and submit separate required documents/information exclusively for your respective regulated Small MS4 area(s). This completed Annual Report Form must be electronically submitted to the Montana Department of Environmental Quality, Water Protection Bureau. Electronic submission is required through the web-based tool: NetDMR. Additional information is located on DEQ's website: <http://deg.mt.gov/Water/WQINFO/ctss/netdmr>.**

Small MS4 Authorization Number: MTR04 \_\_\_\_\_

Small MS4 Classification	<input type="checkbox"/> Traditional	<input type="checkbox"/> Non-Traditional
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Small MS4 Name:

Small MS4 Mailing Address:

City, State, and Zip Code:

Small MS4 Contact Person (and Title):

Mailing Address:

City, State, and Zip Code:

Phone Number: (    )	E-mail address:
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**Storm Water Management Team:** Attach an organizational chart identifying a primary SWMP coordinator and the positions responsible for implementing each minimum measure.

**Requested above chart:**

Attached

Not Attached

Has the permittee established and executed a formalized mechanism for regular communication between storm water management team members?

Yes

No

**Permittee's SWMP Resources:**

How many FTEs does the permittee designate to the MS4 permit? \_\_\_\_ If needed, provide an explanation.

If more space is needed, submit on an additional page with corresponding reference or on a data storage device.

**Answer the following five (5) questions on an additional page with corresponding reference or on a data storage device.**

(1) What are the source(s) of funding for implementation of the MS4 permit and the estimated percentage of the total budget allocated from each source listed?

(2) Specific to the annual reporting calendar year, how did the permittee justify commitment of resources or budget allocations to the implementation of the MS4 permit to decision-makers and the public? Provide a summary of meetings and outcomes held with decision-makers and the public.

(3) Has the permittee demonstrated program effectiveness to obtain budget allocations for this annual reporting calendar year or previous years? Why or why not? If so, what program effectiveness metrics were presented?

(4) How was this annual reporting calendar year's approach to allocate resources different than the previous year's approach?

(5) Was the permittee successful in their request for budget allocations? Describe the outcome and factors that affected or resulted in that outcome.

**Illicit Discharge Detection & Elimination:**

Per the IDDE MCM requirement (Part II (3)(c.i)), has the permittee reviewed, and updated if needed, the storm sewer map during the calendar year?

Yes

No

Per the IDDE MCM requirement (Part II (3)(e.i)), has the permittee dry weather inspected and screened outfalls during the calendar year?

Yes

No

**Fill in the blanks with numbers.** The permittee has inspected \_\_\_\_ outfalls during this calendar year. Since authorization under the 2017 General Permit, the permittee has inspected \_\_\_\_ total outfalls out of the \_\_\_\_ total MS4 outfalls.

Per the Illicit Discharge Detection & Elimination MCM (Part II (3)(e.i)), the permittee will complete the requirement to inspect and screen all outfalls during dry weather by the end of the permit cycle.	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Construction Site Storm Water Management:</b> During the calendar year, how many construction storm water management plan reviews were completed (Part II (4)(b))? _____		
During the calendar year, how many construction projects were inspected for their storm water management controls (Part II (4)(c))? _____		
<b>Pollution Prevention/Good Housekeeping for Permittee Operations:</b>		
Has the permittee reviewed, and updated if needed, the inventory of permittee-owned/operated facilities and activities (Part II (6)(a.i))?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the permittee reviewed, and updated if needed, the map that identifies the locations of facilities and known locations of activities (Part II (6)(a.ii))?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Has the permittee conducted annual storm water pollution prevention training for permittee staff during the next permit year after development of each standard operating procedure (Part II (6)(a.v))?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<i>*Not applicable during calendar year 2017, 2018, and 2019. Check "No" during these years.*</i>		
<b>Training:</b> According to Part II (B) Training requirements, has the permittee conducted applicable training during the 1 <sup>st</sup> and 4 <sup>th</sup> calendar years?		
<i>*Not required during calendar year 2018, 2019, and 2021. Check "No" during these years.*</i>		
According to Part II (B) Training requirements, has the permittee conducted applicable new employee training within 90 days of the hire date?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Special Conditions: Per Pre-TMDL Approval (Part III.A) requirements,</b> attach the required information regarding identification of all outfalls that discharge to impaired waterbodies, the impaired waterbodies, and the associated pollutants of impairments. Summarize the BMPs implemented over the reporting period and a schedule of BMPs planned for the following year.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Special Conditions: Approved TMDLs (Part III.B) requirements per calendar year below.</b>		
<b>Calendar Year 2017:</b> The permittee has attached a Sampling Plan that includes strategy rationale, monitoring frequency, monitoring parameters, and monitoring locations.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable

<b>Calendar Year 2017:</b> The permittee has attached all outfalls that discharge to impaired waterbodies and the associated pollutants of impairment.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Calendar Year 2018:</b> The permittee has attached all outfalls that discharge to impaired waterbodies and the associated pollutants of impairment.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Calendar Year 2019:</b> The permittee has attached all outfalls that discharge to impaired waterbodies and the associated pollutants of impairment.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Calendar Year 2020:</b> The permittee has attached all outfalls that discharge to impaired waterbodies and the associated pollutants of impairment.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Calendar Year 2020:</b> The permittee has attached the TMDL section of the SWMP that identifies the measures and BMPs it plans to implement, describes the MS4's impairment priorities and long term strategy, and outlines interim milestones for controlling the discharge of the pollutants of concern and making progress towards meeting the TMDL.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Calendar Year 2021:</b> The permittee has attached all outfalls that discharge to impaired waterbodies and the associated pollutants of impairment.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Calendar Year 2021:</b> The permittee has evaluated the TMDL section of the SWMP based on monitoring results. The section has been revised, if needed, and is attached.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable
<b>Monitoring:</b> Per requirements in Part IV (B), has the permittee attached monitoring results, calculations, and evaluations?		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not Applicable

**INSTRUCTIONS: The permittee will only fill out the Annual Report Attachments section below that corresponds to the calendar in which an Annual Report is being submitted for. Attach the requested documents/information.**

<b>2017 Annual Report Attachments (1<sup>st</sup> Calendar Year)</b>		
<b>Public Education and Outreach:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding key target audiences and associated pollutants.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Public Involvement and Participation:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding the public involvement approach and schedule of each key audience.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Illicit Discharge Detection &amp; Elimination:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding categories of non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements b.i in the referenced MCM, attach the required information regarding occasional non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements f.i in the referenced MCM, attach the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Construction Site Storm Water Management:</b>		
Per requirements a.iii in the referenced MCM, attach progress towards an Enforcement Response Plan and associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements b.i in the referenced MCM, attach the construction storm water management plan review checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements b.iii in the referenced MCM, attach the construction storm water management plan review checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Traditional MS4s and per requirements c.i in the referenced MCM, attach the construction storm water management inspection form or checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements c.ii in the referenced MCM, attach the construction storm water management inspection form or checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable

<b>Post-Construction Site Storm Water Management in New and Redevelopment</b>		
Specific to Traditional MS4s and per requirements b.i in the referenced MCM, attach the post-construction storm water management plan review checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements b.ii in the referenced MCM, attach the post-construction storm water management plan review checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Per requirements in b.iii in the referenced MCM, attach the performance standards and associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	

<b>2018 Annual Report Attachments (2<sup>nd</sup> Calendar Year)</b>		
<b>Public Education and Outreach:</b>		
Per requirements b.i in the referenced MCM, attach the required information regarding outreach messages.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements c.i in the referenced MCM, attach the required information regarding a description of formats, distribution channels and schedule for key target audiences.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Public Involvement and Participation:</b>		
Per requirements a.ii in the referenced MCM, attach the required information regarding participation and key target audience feedback on approaches.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Illicit Discharge Detection &amp; Elimination:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding categories of non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements b.i in the referenced MCM, attach the required information regarding occasional non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements d.i in the referenced MCM, attach the adopted ordinance or other regulatory mechanism to prohibit illicit discharges.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements d.ii in the referenced MCM, attach the summary of legal authority to prohibit illicit discharges.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Per requirements d.iii in the referenced MCM, attach the required summary of the cooperative agreements.		

<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements d.iv in referenced MCM, attach the Enforcement Response Plan and associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.ii in referenced MCM, attach the list of high priority outfalls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements f.iii in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements f.iv in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Post-Construction Site Storm Water Management in New and Redevelopment</b>		
Specific to Traditional MS4s and per requirements c.i in the referenced MCM, attach the post-construction storm water management inspection form or checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements c.ii in the referenced MCM, attach the post-construction storm water management inspection form or checklist.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Per requirements in c.iii in the referenced MCM, attach the inventory of all new permittee-owned and private post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements in c.vi in the referenced MCM, attach an inspection frequency protocol.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements c.vii, attach the developed inspection program.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Pollution Prevention/Good Housekeeping for Permittee Operations</b>		
Per requirements in a.iii in the referenced MCM, attach completed Standard Operating Procedures.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	

2019 Annual Report Attachments (3 <sup>rd</sup> Calendar Year)		
<b>Public Education and Outreach:</b>		
Per requirements c.ii in the referenced MCM, attach the required information regarding outreach materials distributions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Public Involvement and Participation:</b>		
Per requirements a.ii in the referenced MCM, attach the required information regarding participation and key target audience feedback on approaches.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Illicit Discharge Detection &amp; Elimination:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding categories of non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements b.i in the referenced MCM, attach the required information regarding occasional non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.ii in referenced MCM, attach the list of high priority outfalls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.iii in referenced MCM, attach the required summary of screening results.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements f.iii in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements f.iv in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Construction Site Storm Water Management:</b>		
Specific to Traditional MS4s and per requirements a.i in the referenced MCM, attach the adopted ordinance or other regulatory mechanism to require construction storm water controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements a.ii in the referenced MCM, attach the legal authority summary.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Per requirements a.iii in the referenced MCM, attach the adopted Enforcement Response Plan and associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Post-Construction Site Storm Water Management in New and Redevelopment</b>		



Per requirements in c.viii in the referenced MCM, attach findings and compliance actions regarding inspections of high priority post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements c.ix, attach the findings and resulting actions regarding inspections of high priority privately-owned post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Pollution Prevention/Good Housekeeping for Permittee Operations</b>		
Per requirements in a.iii in the referenced MCM, attach the completed Standard Operating Procedures.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	

<b>2020 Annual Report Attachments (4<sup>th</sup> Calendar Year)</b>		
<b>Public Education and Outreach:</b>		
Per requirements c.ii in the referenced MCM, attach the required information regarding outreach materials distributions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Public Involvement and Participation:</b>		
Per requirements a.ii in the referenced MCM, attach the required information regarding participation and key target audience feedback on approaches.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Illicit Discharge Detection &amp; Elimination:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding categories of non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements b.i in the referenced MCM, attach the required information regarding occasional non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.ii in referenced MCM, attach the list of high priority outfalls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.iii in referenced MCM, attach the required summary of screening results.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements f.iii in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements f.iv in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge		

Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Post-Construction Site Storm Water Management in New and Redevelopment</b>		
Specific to Traditional MS4s and per requirements a.i in the referenced MCM, attach the adopted ordinance or other regulatory mechanism to require post-construction storm water controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements a.ii in the referenced MCM, attach the legal authority summary.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Per requirements in a.iii in the referenced MCM, attach the Enforcement Response Plan and associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements in c.viii in the referenced MCM, attach findings and compliance actions regarding inspections of high priority post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements c.ix, attach the findings and resulting actions regarding inspections of high priority privately-owned post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Per requirements in d.i in the referenced MCM, attach a summary of the discussion outcomes.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Pollution Prevention/Good Housekeeping for Permittee Operations</b>		
Per requirements in a.iii in the referenced MCM, attach the completed Standard Operating Procedures.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	

<b>2021 Annual Report Attachments (5<sup>th</sup> Calendar Year)</b>		
<b>Public Education and Outreach:</b>		
Per requirements c.ii in the referenced MCM, attach the required information regarding outreach materials distributions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Public Involvement and Participation:</b>		
Per requirements a.ii in the referenced MCM, attach the required information regarding participation and key target audience feedback on approaches.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Illicit Discharge Detection &amp; Elimination:</b>		
Per requirements a.i in the referenced MCM, attach the required information regarding categories of non-storm water discharges or flows, associated pollutants, and local controls or conditions.		

<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements b.i in the referenced MCM, attach the required information regarding occasional non-storm water discharges or flows, associated pollutants, and local controls or conditions.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.ii in referenced MCM, attach the list of high priority outfalls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Per requirements e.iii in referenced MCM, attach the required summary of screening results.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements f.iii in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
Specific to Non-Traditional MS4s and per requirements f.iv in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Post-Construction Site Storm Water Management in New and Redevelopment</b>		
Per requirements in c.viii in the referenced MCM, attach findings and compliance actions regarding inspections of high priority post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
Specific to Traditional MS4s and per requirements c.ix, attach the findings and resulting actions regarding inspections of high priority privately-owned post-construction storm water management controls.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable
<b>Pollution Prevention/Good Housekeeping for Permittee Operations</b>		
Per requirements in a.iii in the referenced MCM, attach completed Standard Operating Procedures.		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	
<b>Attach any updates, changes, or improvements to the Small MS4 Storm Water Management Program per requirements in Part IV (E).</b>		
<input type="checkbox"/> Attached	<input type="checkbox"/> Not Attached	<input type="checkbox"/> Not applicable

**Annual Report Form Signature**

**This Annual Report Form must be completed, signed, and certified as follows:**

- For a corporation, by a principal officer of at least the level of vice president;
- For a partnership or sole proprietorship, by a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

**All Permittees Must Complete the Following Certification:**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information; including the possibility of fine and imprisonment for knowing violations. [75-5-633, MCA].

*Certification of this form indicates conformance with the 2017 General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer Systems and the required Annual Reporting upon receipt of permit coverage.*

**Name (Type or Print)**

*RACHEL HARLOW-SCHALK*

**Title (Type or Print)**

City Manager

**Phone Number**

406-447-8000

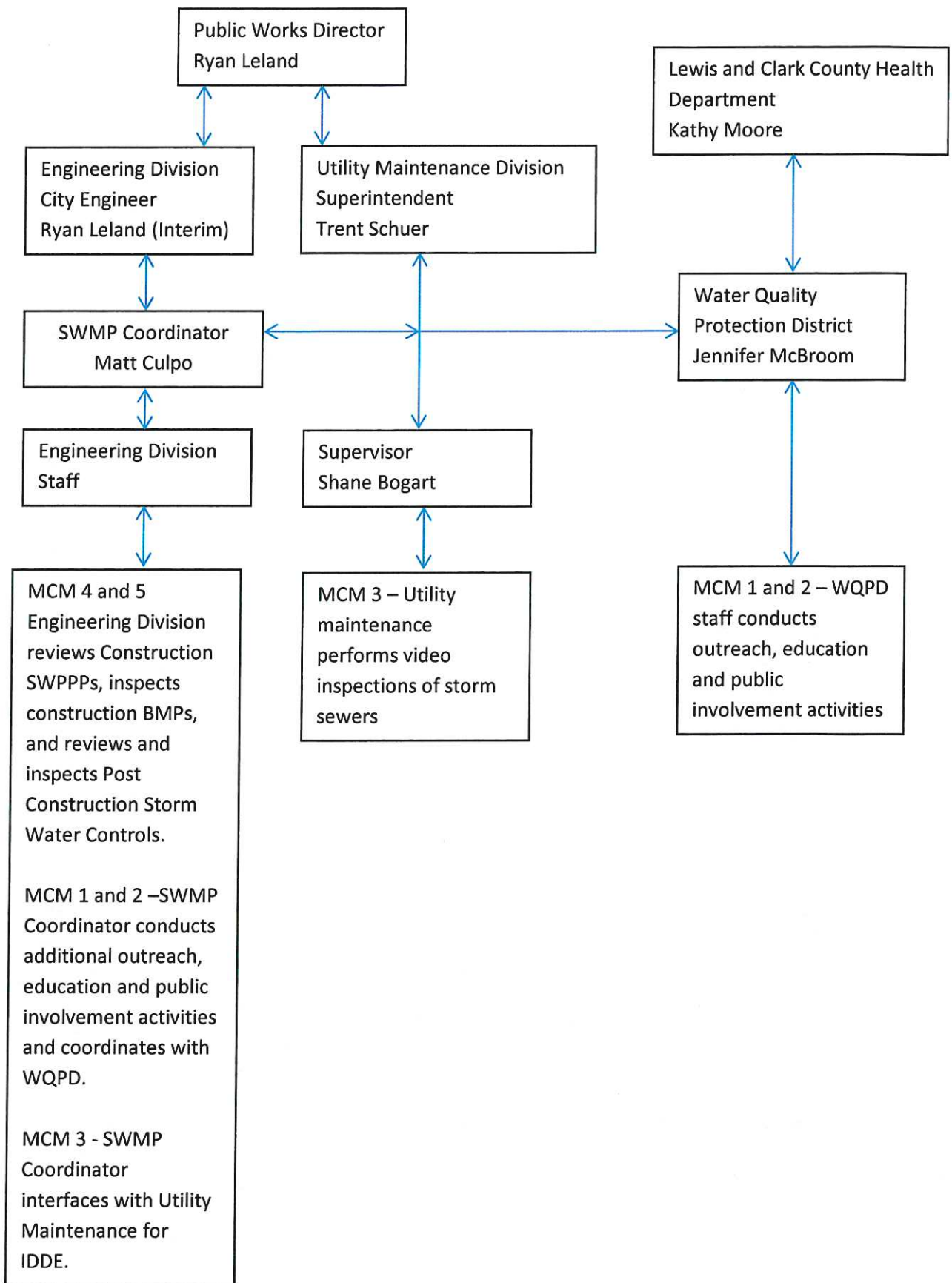
**Signature**

*RHSchalk*

**Date Signed**

*1-11-2021*

## Organization Chart



## **RESPONSES TO QUESTIONS 1 -5**





- 1) The City of Helena has a storm water utility which charges property owners based on the amount of impervious land they own. The storm water utility collects approximately 1 million dollars annually. 100% of the funds from the storm water utility are used to operate, maintain and manage the City's MS4.

The City of Helena also teams up with Lewis and Clark County to assess property owners between \$8 and \$10 per year which amounts to approximately \$350,000 to fund the Water Quality Protection District (WQPD). These funds are used to preserve, protect and improve water quality with the WQPD, of which, the City of Helena is part of. The WQPD encompasses Prickly Pear Creek and Ten Mile Creek watersheds which the City of Helena is tributary to. The WQPD conducts restoration planning, monitoring, outreach and education activities.

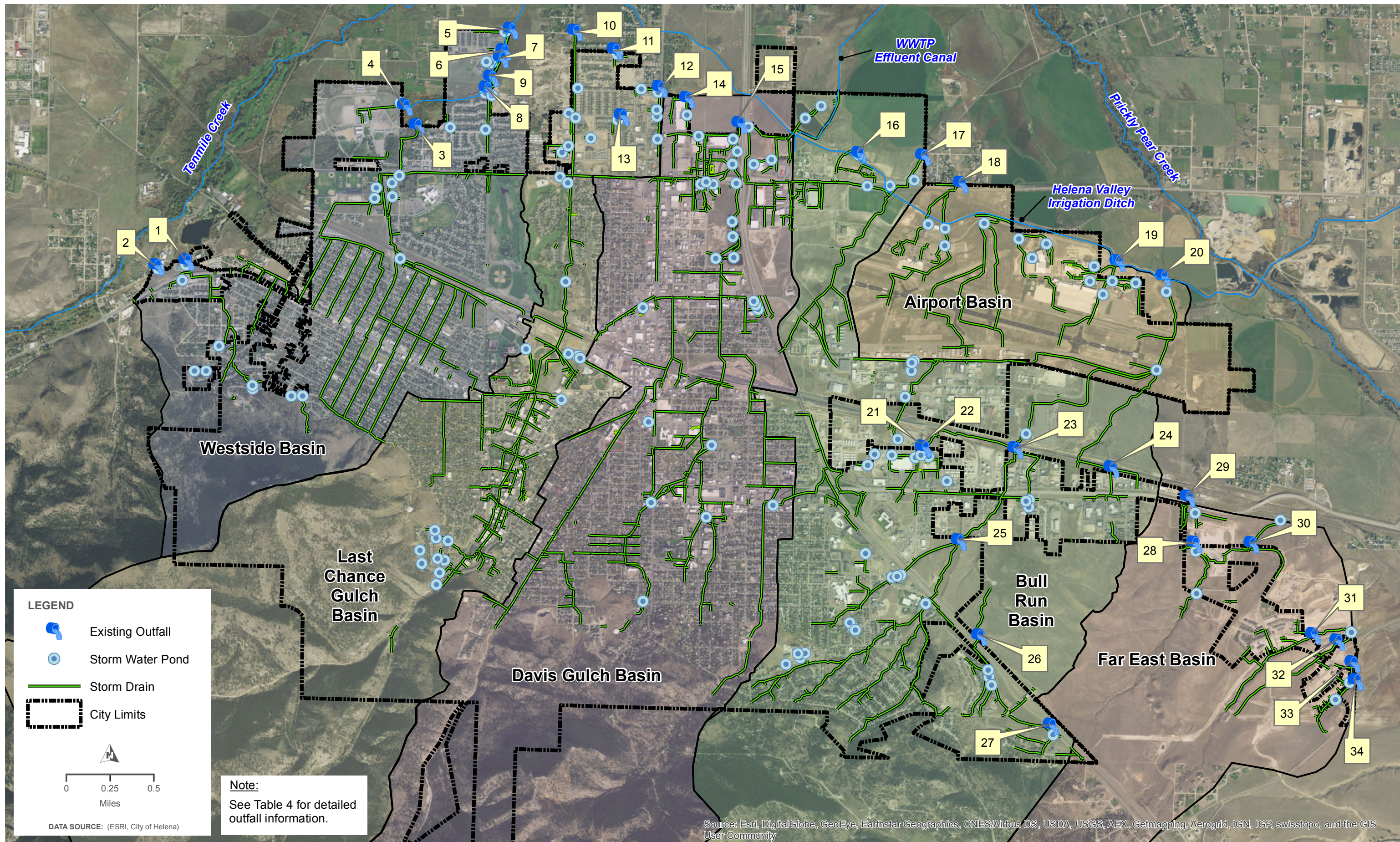
- 2) The City prepares annual budgets for projects and expenditures based on priority. The City prepared a Storm Water Master Plan (Master Plan) in 2003. The 2003 Master Plan was updated in 2018. The Master Plan analyzes the storm water system for capacity, treatment and condition and establishes an overall Capital Improvement Plan and identifies priority projects. Priority projects include life/safety concerns, flooding, failing infrastructure, water quality and maintenance improvements. City management and staff meet on a regular basis throughout the year to discuss projects and assign priorities. City management and staff also meet bimonthly in administration meeting with City Commission and at City Commission meetings which are open to the public to discuss projects and priorities of City staff.
- 3) The City has demonstrated program effectiveness to obtain budget allocations by utilizing the Storm Water Master Plan and actively pursuing and updating the Storm Water Master Plan; by responding to MS4 requirements and needs through the development of a Storm Water Management Plan and Engineering Design Standards; by continuing ongoing storm water quality programs, operation, inspection and maintenance of the storm water system; and by development of additional activities and reporting as needed or as required by the MS4 program. The program effectiveness metrics presented include: storm water monitoring results, capital expenditures on storm water projects, quantity of storm water treated, quantity of storm water system inspected, completion of maintenance projects, quantity of material removed from streets and the storm water system, ability to clean up illicit discharges, coordination/review/implementation of storm water treatment facilities for developments, and inspections of construction project and storm water system components.
- 4) This year's approach to allocated resources built upon the program developed in prior years. Effective programs were continued, existing programs were updated and new programs were added as needed. Some examples of resource allocations include: continuation of the storm

sewer inspection and street sweeping programs, preparing updates to the Storm Water Master Plan and the Storm Water Management Plan, updates to the City website, and focused staff reviews of development projects to incorporate effective low impact development and water quality treatment.

- 5) The permittee was successful in their requests for budget allocations. The outcome of the budget allocation requests include continuation of storm water programs described above in question 4. The outcome of some of the budget allocation requests include completion of the Henderson Street Drainage and Erosion Control Improvement Project, a \$300,000 capital improvement project; which included planting of 56 trees. A storm sewer emergency repair project was also conducted in 2018. The emergency repair from installed 48 inch diameter storm pipe along two city blocks along 11<sup>th</sup> Avenue and Dakota Street from Montana Ave to 9<sup>th</sup> Ave and abandoned a collapsed 36 inch corrugated metal pipe. This project cost approximately \$500,000 and utilized city staff for design, construction oversight and construction administration. Design and construction of storm sewer improvements from the DNRC Regional Storm Water Pond to 11<sup>th</sup> Avenue to increase stormwater capacity and repair damaged pipe in 2020. Funding for an outreach and education flyer and information page on the use of raingardens were mailed out to all utility costumers and posted on the City's website at a cost of \$6,000. Front Street and Neill Street Improvements were made in 2019 at a cost 5 million dollars, approximately half was for storm water improvements. The project also included streetscape with increased landscaped areas and numerous trees. Design and construction of storm sewer improvements in 2020 from the DNRC Regional Strom Water Pond to 11<sup>th</sup> Avenue to increase stormwater capacity and repair damaged pipe at a cost of over \$600,000.

## **Outfall Map and Inspection Summary**





**LEGEND**

- Existing Outfall
- Storm Water Pond
- Storm Drain
- City Limits

0 0.25 0.5  
Miles

DATA SOURCE: (ESRI, City of Helena)

**Note:**  
See Table 4 for detailed outfall information.

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**OVERALL STORM SYSTEM AND BASIN MAP**

CITY OF HELENA, MT

FIGURE A.1





## Outfalls for the City of Helena

Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location	Date Inspected
1	Westside	East Simmons Detention Pond	30 inch	Broadwater Ave and spring meadow	7/2017 10/2019
2		West Simmons Detention Pond	12 inch	Broadwater and Motor Ave	7/2017 10/2019
3		Henderson Retention Pond Complex	24 inch	Silsbee Ave and Mitchell near Fairgrounds	7/2017
			24 inch		7/2017
4		Fairgrounds Detention Pond	16 inch	Fairgrounds east of Arena	7/2017
5		North Stone Meadows Detention Pond	8 inch	Andesite Ave and crystal springs creek	7/2017
					6/2020
6		Central Stone Meadows Detention Pond	10 inch	Benton Ave and Flagstone Ave	7/2017 6/2020
7		South Stone Meadows Detention Pond	8 Inch	Benton Ave south of Obsidian Ave	7/2017 6/2020
8	Crystal Springs Detention Pond	Open Channel	Benton and Willowbrook	7/2017	
				6/2020	
9	County Shop Detention Basin	Open Channel	E of N Benton and Willowbrook Drive	7/2017	
				9/2018 6/2020	
10	Last Chance	Nature Park Retention Pond, and on-site detention/ret ponds	24 inch	McHugh Lane north of Golden Estates subdivision	9/2018
11		Golden Estates Detention Pond	18 inch	Jade Street and Amethyst Ave (golden estates)	9/2018
12		Skelton Detention 1, 2, 3, and 4	24 inch	North of Ptarmigan and Montana Ave	9/2018
					6/2020
13	Anderson BP Detention and open channel	Open Channel	S of Road Runner and Sand Piper	9/2018	
14	Davis	Target Retention Pond	36 inch	Jordan Drive behind Macy's	9/2018
15		Davis Region Pond and Kmart Pond	48 inch	I-15 Regional Ponds	9/2018
16	Bull Run West	Burnham Ranch Retention Pond			
17		Helena Regional Detention and York and Custer Detention	55 inch	York Road north of Custer	9/2018

Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location	Date Inspected
18	Airport	Airport Detention 4, 5.1, and 5.2 and 1400ft of open channel	21 inch	Canyon Ferry Road east of Y-county	9/2018
19		Airport Retention R-13 and National Guard, Helena Aviation, Fire and D10 Detention	48 x 60 inch	Helena Valley Canal Crossing east of National Guard	9/2018
20		Airport Retention R-910 and Detention Pond 2	54 inch	Helena Valley Canal Crossing east end Airport	9/2018 11/2019
21	Bull Run Upstream of Airport	Walmart Detention 1 and 2	36 in	NW of Miller and Carter	9/2019
22		Staples Retention	18 in	NW of Miller and Carter	9/2019
23		Future Nichole St Pond	36 in	N of Nichole St and RR Tracks	9/2019
24		Open Channel	Open Channel	N of Dick Anderson Construction	9/2019
25		Hunters Point and Mountain West Bank Detention	Open Channel	N of I15, upstream of Synness Auto Salvage	9/2019 4/2020
26		Nob Hill Retention 1 and 2, and Nob Hill Detention 1, Grass swale along I15	24 in	NW of I15 and Mendocino Drive	4/2020
27	Far East	Nob Hill Detention 4	Open Channel	Colonial drive south of Nob Hill Lift station	4/2020
28		Aspen Meadows Detention	84 inch	Alice street East of Crossroads Pkwy	11/2019
29		Grass channel, small basin at culvert inlet	2-24 inch	Crossroads Pkwy and Prospect Ave (highway 12)	11/2019
30		West Aspen Meadows Retention	24 inch	Alice street East of Cascade Ave	11/2019
31		East Aspen Meadows Retention	42 inch	Twilight and Stillwater streets	11/2019
32		East Aspen Meadows Retention	12 inch	Runkle Pkwy between Still water and Alpine View	11/2019
33		Open Channel for 700ft	12 inch	Runkle Pkwy and Highway 282	11/2019
34		Aspen Meadows Detention North and South	36 inch	Highway 282 south of Runkle Parkway	11/2019

Note: All screening results have resulted in zero suspected illicit discharges.



## **TMDL Section of SWMP**



## 5.0 Qualifying Local Program

Permit Reference: Part II.D.

Not applicable.

## 6.0 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation

Permit Reference: Part II.E.

The City implements the SWMP on all new areas added to their small MS4.

## 7.0 Storm Water Management Program Updates Required by the Department

Permit Reference: Part II.F.

To date, DEQ has not requested any storm water management program updates beyond those requirements in the General Permit. Any future DEQ requests will be identified in the Annual Reports and any appended to the SWMP.

## 8.0 Special Conditions (TMDL Monitoring)

Permit Reference: Part III.A.

Not applicable.

Permit Reference: Part III.B.

The City is within the drainage basin of two perennial streams that are impaired waterbodies listed on the Montana 303(d) list: Tenmile Creek and Prickly Pear Creek (see Figure A.3 – Excerpt Drainage Map from Lake Helena TMDL, Appendix A). A Total Maximum Daily Load (TMDL) was developed for these waterbodies as part of the Framework Water Quality Restoration Plan and TMDL for the Lake Helena Watershed, August 31, 2006 by the Environmental Protection Agency (Lake Helena TMDL). *The Lake Helena TMDL identifies that storm water pollutant loading from regulated storm water discharges contributes less than 0.5% of the total load for nitrogen, phosphorous, and sediment to either Tenmile Creek or Prickly Pear Creek drainage basins. Although the Lake Helena TMDL does not propose any new requirements for regulated storm water, it does recommend monitoring and/or model based evaluations to estimate pollutant removal efficiencies of structural and non-structural BMPs (Lake Helena TMDL, Appendix J).*

The City is part of the Lake Helena Watershed Restoration Plan 2016-2023, prepared by Lewis and Clark County Water Quality Protection District. This report discusses the Characterization of the Watershed; Pollutants, Sources, Existing Pollutant Loads and Allocations; Lake Helena

Watershed Restoration Priorities; Expected Load Reductions; Best Management Practices; and Community Engagement Education and Outreach Strategies.

The City permitted MS4 area is bound by the City limits. The City limits in 2016 encompassed approximately 16.5 square miles. The permitted area includes six primary drainage areas which include the Westside Area, Last Chance Gulch, Davis Gulch, Bull Run, Airport and Far East (see Figure A.1, Appendix A). Additionally, the Montana Department of Transportation (MDT) operates a regulated MS4 within the City.

USGS Mapping shows no surface connection of drainage ways to Prickly Pear or Tenmile Creek except at Crystal Springs Creek (see Figure A.4 – USGS Map of Helena Area, Appendix A). The majority of the City does not discharge directly into either creek because the City boundary ends prior to the creeks where storm water runoff infiltrates into alluvial fans, and is retained and infiltrated in Regional Storm Water Ponds (See Table 5) prior to the municipal boundary.

Approximately 12.5 square miles of the City of Helena are treated by Regional Storm Water Ponds as shown on Figure A.2 (see Appendix A). Only portions of the Westside basin area below the regional ponds is expected to have a potential to discharge storm water runoff during minor events into tributaries of Ten Mile Creek. These portions of the Westside basin area are tributary to Spring Meadow Lake and Crystal Springs Creek. The area below the regional ponds in the Westside basin is shown on Figure A.5 – Priority Drainage Basins Map (see Appendix A).

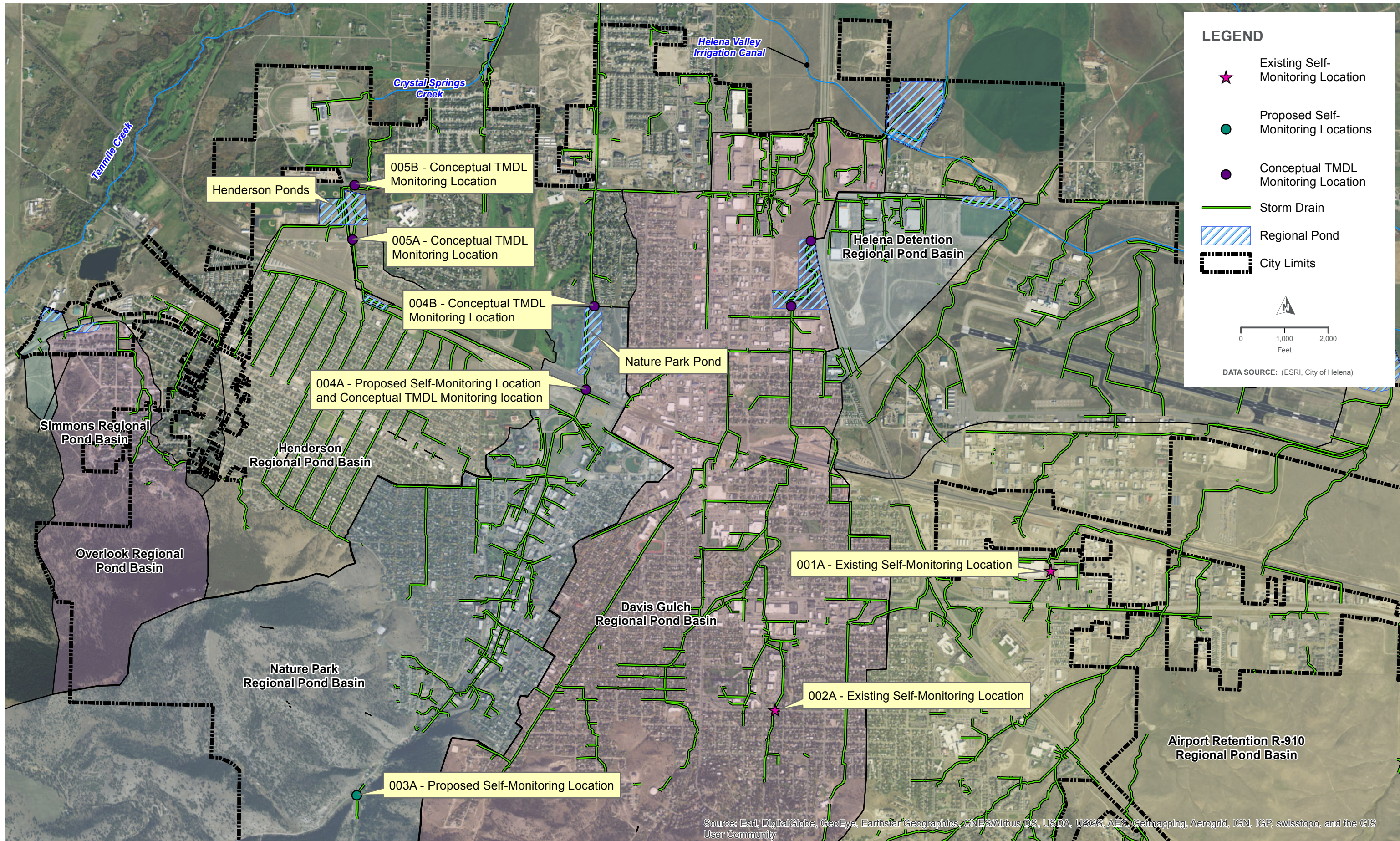
This TMDL section will be further developed in the coming years, in accordance with the Implementation Schedule.

**TMDL Monitoring Option 2**

The City is planning to implement TMDL Monitoring Option 2. The anticipated monitoring locations are to be at the inlet and outlet into Henderson Regional Ponds and Nature Park Pond (see Table 7 and Figure A.6 – Existing Self-Monitoring and Conceptual TMDL Option 2 Monitoring Locations, Appendix A). These four locations are representative of the Westside Basin and Last Chance Gulch which encompass large portions of urban areas within the City. The inlet and outlet are planned for monitoring to verify discharge amounts and BMP effectiveness. In accordance with the General Permit requirements, the City will develop a sampling plan during 2017. The sampling plan will be submitted to DEQ for approval with the first year’s annual report.

**Table 7: TMDL Monitoring Option 2 Sites Locations**

Monitoring Site ID	Representative Area	Monitoring Location Description	Approximate Latitude/Longitude
005A	Residential	Inlet to Henderson Ponds	46.6127°N, 112.0533°W
005B	Residential	Outlet from Henderson Ponds	46.6162°N, 112.0533°W
004A	Residential/Commercial/Industrial	Inlet to Nature Park Pond	46.6038°N, 112.0316°W
004B	Residential/Commercial/Industrial	Outlet from Nature Park Pond	46.6090°N, 112.0311°W



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**EXISTING SELF-MONITORING & CONCEPTUAL TMDL OPTION 2 MONITORING LOCATIONS**

CITY OF HELENA, MT

FIGURE A.6



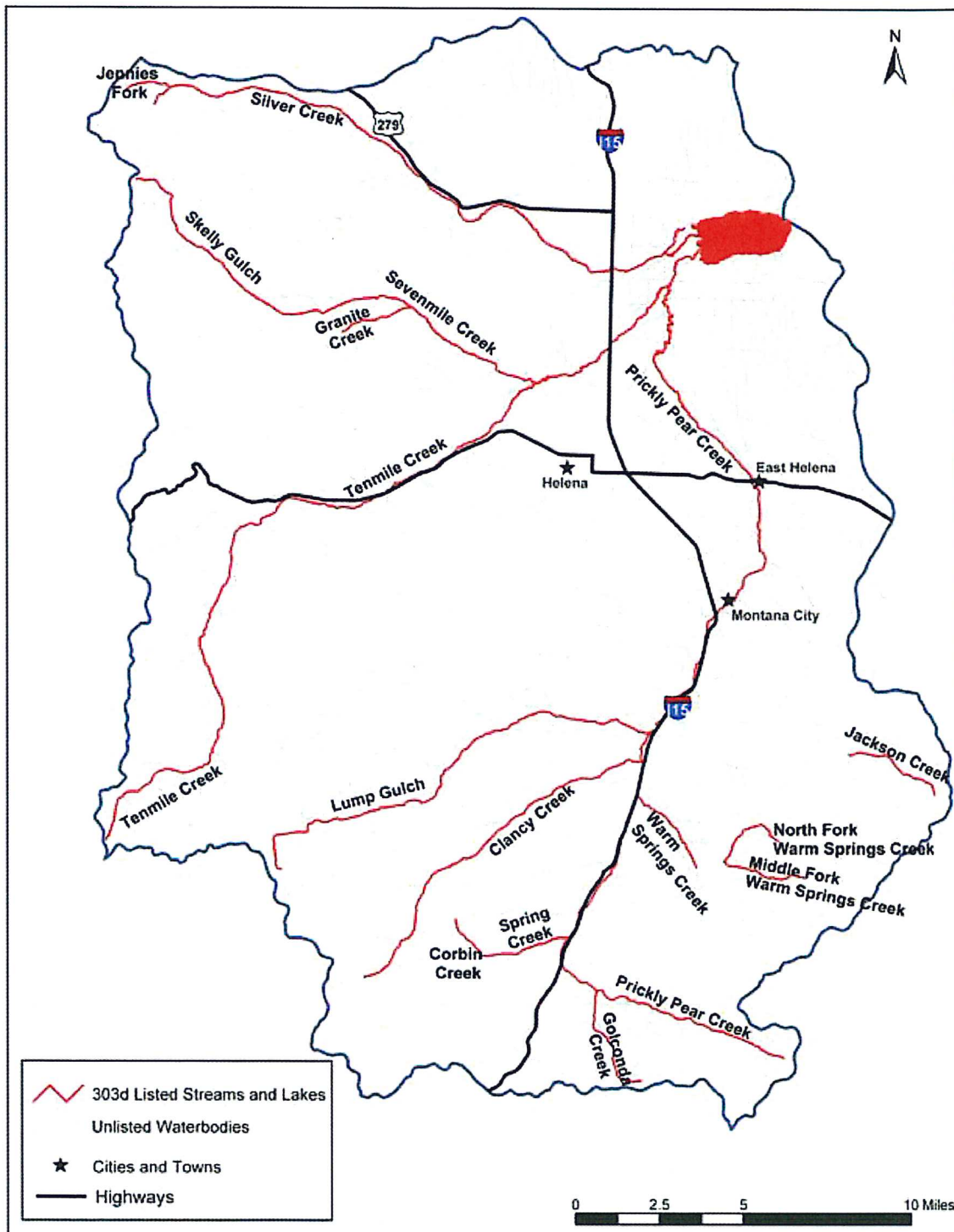


Figure 3-1. Locations of 1996–2004 303(d)-listed stream segments in the Lake Helena watershed.

Table 3-2. Probable causes of water quality impairment in the Lake Helena watershed identified in 1996–2004 Montana 303(d) lists.

Water body	1996 Causes	2000 Causes	2002 Causes	2004 Causes
Clancy Creek	Metals Nutrients Habitat alterations Siltation Suspended solids	Metals (Did not meet SCD for Primary Contact Recreation)	<i>Arsenic</i> <i>Channel incisement</i> <i>Lead</i> <i>Mercury</i> <i>Metals</i> <i>Other habitat alterations</i> <i>Siltation</i>	<i>Arsenic</i> <i>Channel incisement</i> <i>Lead</i> <i>Mercury</i> <i>Metals</i> <i>Other habitat alterations</i> <i>Siltation</i>
Corbin Creek	Metals Other inorganics Salinity/TDS/ chlorides Suspended solids pH	Metals Suspended solids pH Thermal modifications Habitat alterations	<i>Metals</i> <i>Other habitat alterations</i> <i>pH</i> <i>Suspended solids</i> <i>Thermal modifications</i>	<i>Metals</i> <i>Other habitat alterations</i> <i>pH</i> <i>Suspended solids</i> <i>Thermal modifications</i>
Golconda Creek	Metals Suspended solids Turbidity Unknown toxicity	Metals	<i>Metals</i>	<i>Metals</i>
Granite Creek	Habitat alterations	Arsenic Cadmium	<i>Arsenic</i> <i>Cadmium</i> <i>Metals</i>	<i>Arsenic</i> <i>Cadmium</i> <i>Metals</i>
Jackson Creek	<b>1998 Listing:</b> Siltation	<i>(Did not meet SCD)</i>	<i>(Did not meet SCD for Aquatic Life, Cold-water Fishery)</i>	<i>(Did not meet SCD for Aquatic Life, Cold-water Fishery)</i>
Jennie's Fork	Metals Siltation	<i>(Did not meet SCD)</i>	<i>(Did not meet SCD for Aquatic Life, Cold-water Fishery)</i>	<i>(Did not meet SCD for Aquatic Life, Cold-water Fishery)</i>
Lake Helena	Metals Nutrients Suspended solids Thermal modifications	Lead Arsenic	<i>Arsenic</i> <i>Lead</i> <i>Metals</i>	<i>Arsenic</i> <i>Lead</i> <i>Metals</i>
Lump Gulch	Metals Suspended solids	Cadmium Mercury Copper Lead Zinc	<i>Cadmium</i> <i>Copper</i> <i>Lead</i> <i>Mercury</i> <i>Metals</i> <i>Zinc</i>	<i>Cadmium</i> <i>Copper</i> <i>Lead</i> <i>Mercury</i> <i>Metals</i> <i>Zinc</i>
Middle Fork Warm Springs Creek	Metals Habitat alterations Siltation	Arsenic Mercury Copper Zinc	<i>Arsenic</i> <i>Copper</i> <i>Mercury</i> <i>Metals</i> <i>Other habitat</i>	<i>Arsenic</i> <i>Copper</i> <i>Mercury</i> <i>Metals</i> <i>Other habitat</i>



Lake Helena Watershed Water Quality Restoration Plan  
Volume I – Watershed Characterization and Water Quality Status Review

Water body	1996 Causes	2000 Causes	2002 Causes	2004 Causes
			<i>alterations Siltation Zinc</i>	<i>alterations Siltation Zinc</i>
North Fork Warm Springs Creek	<b>1998 Listing:</b> Siltation	<i>(Did not meet SCD)</i>	<i>Arsenic Bank erosion Fish habitat degradation Metals Organic enrichment/Low dissolved oxygen Other habitat alterations Siltation</i>	<i>Arsenic Bank erosion Fish habitat degradation Metals Organic enrichment/Low dissolved oxygen Other habitat alterations Siltation</i>
Prickly Pear Creek MT411006_060	Metals Suspended solids	Metals Fish habitat degradation Habitat alterations	<i>Fish habitat degradation Metals Other habitat alterations</i>	<i>Fish habitat degradation Metals Other habitat alterations</i>
Prickly Pear Creek MT411006_050	Siltation Suspended solids	Metals Fish habitat degradation Bank erosion Habitat alterations Siltation	<i>Bank erosion Fish habitat degradation Metals Other habitat alterations Siltation</i>	<i>Bank erosion Fish habitat degradation Metals Other habitat alterations Siltation</i>
Prickly Pear Creek MT411006_040	Flow alteration Metals Habitat alterations	Metals Siltation Fish habitat degradation Habitat alterations	<i>Fish habitat degradation Metals Other habitat alterations Siltation</i>	<i>Fish habitat degradation Metals Other habitat alterations Siltation</i>
Prickly Pear Creek MT411006_030	Flow alteration Metals Habitat alterations Siltation Suspended solids	Metals Dewatering Siltation Fish habitat degradation Riparian degradation Nutrients Thermal modifications	<i>Dewatering Fish habitat degradation Flow alteration Metals Nutrients Other habitat alterations Riparian degradation Siltation Thermal modifications</i>	<i>Dewatering Fish habitat degradation Flow alteration Metals Nutrients Other habitat alterations Riparian degradation Siltation Thermal modifications</i>

Lake Helena Watershed Water Quality Restoration Plan  
 Volume I – Watershed Characterization and Water Quality Status Review

Water body	1996 Causes	2000 Causes	2002 Causes	2004 Causes
Prickly Pear Creek MT411006_020	Flow alteration Metals Nutrients Habitat alterations Siltation Suspended solids Un-ionized ammonia	Metals Un-ionized ammonia Nutrients Thermal modifications Siltation Dewatering Fish habitat degradation Bank erosion	<i>Bank erosion Dewatering Fish habitat degradation Flow alteration Metals Nutrients Other habitat alterations Siltation Thermal modifications Un-ionized ammonia</i>	<i>Bank erosion Dewatering Fish habitat degradation Flow alteration Metals Nutrients Other habitat alterations Siltation Thermal modifications Un-ionized ammonia</i>
Prickly Pear Creek MT411006_010	Nutrients Suspended solids Thermal modifications	Arsenic	<i>Arsenic Metals</i>	<i>Arsenic Metals</i>
Sevenmile Creek	Habitat alterations Siltation	<i>(Did not meet SCD)</i>	<i>Flow alteration Metals Nutrients Other habitat alterations Riparian degradation Siltation</i>	<i>Flow alteration Metals Nutrients Other habitat alterations Riparian degradation Siltation</i>
Silver Creek	Flow alteration Metals Habitat alterations Priority organics	Metals Habitat alterations Flow alteration Priority organics	<i>Flow alteration Metals Other habitat alterations Priority organics</i>	<i>Flow alteration Metals Other habitat alterations Priority organics</i>
Skelly Gulch	Siltation	<i>(Did not meet SCD)</i>	<i>Metals Siltation</i>	<i>Metals Siltation</i>
Spring Creek	Metals Nutrients Habitat alterations Suspended solids pH	Metals Dewatering Fish habitat degradation Habitat alterations Riparian Degradation	<i>Dewatering Fish habitat degradation Flow alteration Metals Other habitat alterations Riparian degradation</i>	<i>Dewatering Fish habitat degradation Flow alteration Metals Other habitat alterations Riparian degradation</i>

**Lake Helena Watershed Water Quality Restoration Plan  
Volume I – Watershed Characterization and Water Quality Status Review**

<b>Water body</b>	<b>1996 Causes</b>	<b>2000 Causes</b>	<b>2002 Causes</b>	<b>2004 Causes</b>
Tenmile Creek MT411006_141	Flow alteration Metals Habitat alterations Siltation pH	Mercury Lead Arsenic Copper Cadmium Zinc Metals Turbidity Habitat alterations	<i>Arsenic Cadmium Copper Lead Mercury Metals Other habitat alterations Siltation Zinc</i>	<i>Arsenic Cadmium Copper Lead Mercury Metals Other habitat alterations Siltation Zinc</i>
Tenmile Creek MT411006_142	Flow alteration Metals Habitat alterations Siltation pH	Arsenic Cadmium Lead Zinc Copper Flow alteration Metals	<i>Arsenic Cadmium Copper Flow alteration Lead Metals Siltation Zinc</i>	<i>Arsenic Cadmium Copper Flow alteration Lead Metals Siltation Zinc</i>
Tenmile Creek MT411006_143	Flow alteration Metals Habitat alterations Siltation pH	Arsenic Lead Cadmium Copper Mercury Zinc Flow alteration Siltation Habitat alterations	<i>Arsenic Cadmium Copper Flow alteration Lead Mercury Metals Nutrients Other habitat alterations Siltation Zinc</i>	<i>Arsenic Cadmium Copper Flow alteration Lead Mercury Metals Nutrients Other habitat alterations Siltation Zinc</i>
Warm Springs Creek	Metals Suspended Solids	Arsenic Lead	<i>Arsenic Cadmium Lead Metals Siltation</i>	<i>Arsenic Cadmium Lead Metals Siltation</i>

Source: MDEQ, 2003, 2004.  
SCD = Sufficient Credible Data



## Monitoring Data



Helena Storm Water Sample Results

Sample Location	Discharge Number	Date	Flow Rate (gal/min)	pH (s.u.)	Parameter (mg/L unless shown)							
					TSS	Oil & Grease	Nitrogen	Phosphorus	Zinc	Lead	Copper	COD
EPA NURP Median Concentration												
Industrial/ Commercial Area 18th Street near Walmart GIS id: BR-1-92-7-3	001A	5/3/2007	14	7.4	88	19	0.15	0.25	0.090	0.020	0.020	29
		10/3/2007	98	7.4	68	4.9	1.02	0.71	0.140	0.010	0.030	330
		5/6/2008	87	5.7	384	9	2.69	2.40	2.150	0.440	0.330	900
		11/13/2008	39	6.6	140	8.8	0.86	0.48	0.300	0.050	0.070	410
		6/14/2009	50	7.6	112	9.3	1.31	0.46	0.380	0.030	0.060	390
		7/28/2009	1400	6.9	44	4.1	0.46	0.08	0.070	ND	0.030	130
		5/3/2010	350	6.9	390	7.3	0.92	0.70	0.520	0.060	0.100	490
		8/29/2010	225	6.3	368	14	0.05	0.37	0.830	0.080	0.110	320
		11/16/2010	91	7.8	244	9	0.64	0.47	0.260	0.030	0.040	65
		5/22/2011		7.6	38	6.5	0.43	0.07	0.110	0.010	0.030	130
		8/2/2011	350	7.3	349	8.4	0.49	0.42	0.280	0.050	0.050	75
		3/28/2012		6.9	1260	5	0.39	0.66	0.740	0.174	0.137	130
		7/17/2012	550	7.6	442	5	1.46	0.82	0.790	0.066	0.129	92
		10/3/2012	180	6.6	50	5	2.52	1.71	0.920	0.034	0.122	1300
		5/23/2013	269	8.0	60	<1	0.15	0.29	0.150	0.030	0.030	22
		9/17/2013	314	5.1	196	4	0.04	0.45	0.070	0.004	0.012	470
		6/25/2014	283	7.0	604	2	0.19	1.73	0.308	0.126	0.073	298
		8/25/2014	426	6.8	188	<1	<0.01	0.32	0.162	0.017	0.006	145
		9/29/2014	247	7.4	189	1	0.1	0.27	0.117	0.021	0.013	58
		5/16/2015	202	7.4	1500	5	1.01	0.20	0.711	0.142	0.135	180
		7/10/2015	404	6.2	380	<1	0.21	1.01	0.348	0.043	0.089	338
		10/1/2015	539	7.3	53	1	0.17	0.19	0.061	0.008	0.023	17
		4/14/2016	134	8.0	264	<1	0.50	0.74	0.330	0.090	0.060	100
		5/20/2016	718	7.1	408	<1	<0.01	0.71	0.280	0.040	0.050	288
8/9/2016	582	7.6	964	3	<0.01	1.05	0.530	0.070	0.080	372		
9/20/2016	157	6.4	224	<1	0.37	0.48	0.020	0.020	0.050	415		
6/13/2017	20	7.3	33	<1	0.04	0.14	0.039	0.004	0.001	31.6		
9/15/2017	1	7.3	84	<1	0.12	0.18	0.098	0.012	0.012	411		
4/27/2018	1	7.7	484	<1	0.35	0.91	0.303	0.049	0.099	463		
5/24/2019		8.4	434	<1	0.16	0.62	0.151	0.032	0.040	121		
Residential Area												
Broadway and Sanders GIS Id: DG-3-9	002A	5/3/2007	6.46	6.9	160	12	2.23	3.88	0.100	0.020	0.040	350
		9/24/2007	85	6.8	76	13	0.76	0.53	0.150	ND	0.030	340
		5/6/2008	215	7.6	2970	25	1.17	0.79	0.590	0.120	0.130	240
		11/13/2008	51.34	7.0	124	6.1	0.35	0.36	0.130	0.020	0.040	190
		6/15/2009	5400	7.6	56	3.4	0.88	0.40	0.120	ND	0.040	330
		7/7/2009	400	7.6	610	5.3	0.53	0.23	0.140	0.020	0.050	310
		7/28/2009	3000	7.2	ND	4.1	0.50	0.11	0.050	ND	0.010	80
		4/13/2010	30	7.3	520	5.1	1.58	0.70	0.310	0.050	0.090	250
		5/3/2010	1250	7.5	485	7.2	0.41	0.64	0.340	0.050	0.090	180
		8/28/2010	115	6.8	134	7.8	0.89	0.24	0.160	0.020	0.040	140
		10/24/2010	19	7.2	56	4.8	0.52	12.20	0.170	ND	0.050	260
		5/24/2011	1000	8.2	386	5.1	0.31	0.28	0.220	0.040	0.050	36
		7/31/2011	3500	6.9	50	7.1	0.61	0.28	1.100	0.150	0.190	250
		4/6/2012	100	7.6	908	5	1.14	0.82	0.300	0.041	0.063	170
		8/28/2012	21	7.8	201	4	0.33	0.21	0.330	0.035	0.056	26
		4/8/2013	1122	6.9	1670	6	2.20	1.41	0.730	0.152	0.187	450
		8/29/2013	358	6.8	484	3	0.17	0.37	0.400	0.066	0.077	130
		6/17/2014	359	7.6	70	<1	0.08	0.23	0.041	<0.01	0.083	33
		8/25/2014	673	7.1	276	<1	0.58	0.49	0.084	0.018	<0.01	87
		9/29/2014	112	6.8	121	1	<0.01	0.50	0.087	0.008	0.039	224
		5/16/2015	76	7.9	956	3	1.42	1.52	0.334	0.053	0.065	230
		7/10/2015	22	7.2	772	3	0.41	1.16	0.247	0.034	0.079	258
		10/3/2015	49	7.2	85	1	0.01	0.46	0.073	0.007	0.018	128
		4/14/2016	112	7.5	540	1	0.60	0.84	0.220	0.030	0.040	102
5/20/2016	157	7.3	500	1	0.03	0.81	0.250	0.030	0.060	232		
8/9/2016	1792	7.4	1320	4	0.02	1.72	0.600	0.060	0.070	347		
6/13/2017	1	7.3	121	<1	0.25	0.28	0.036	0.004	0.023	49.6		
9/15/2017	1	7.2	1792	<1	0.53	0.83	0.03	0.05	0.093	633		
4/27/2018	1	8.0	408	2	0.03	2.24	0.22	0.04	0.067	190		
5/24/2019		7.5	59	<1	0.27	0.11	0.03	0.00	0.016	40		
Last Chance Gulch at Confluence of Oro Fino and Grizzly Gulches												
	003A	5/18/2018	No Flow									
		8/27/2018	No Flow									
		4/9/2019	No Flow									
		7/23/2019	No Flow									
Nature Park Inlet (north of RR)												
	004A	1/14/2010	NA	7.7	432	13	1.35	0.45	0.330	0.060	0.070	82
		2/22/2012	NA	7.9	387	4	0.40	0.70	0.180	0.047	0.045	32
		5/18/2018	NA	8.0	126	1	1.03	0.31	0.073	0.017	0.015	29
		8/27/2018	NA	7.9	67	1	0.78	0.24	0.080	0.009	0.015	58
		4/3/2019		8.0	39	<1	0.74	0.35	0.05	0.018	0.009	22
		7/23/2019		7.5	434	<1	0.94	0.53	0.170	0.044	0.037	71
		5/8/2020		7.7	907	2	0.55	1.85	0.26	0.074	0.064	57
10/19/2020		8.1	85	1	1.02	0.19	0.070	0.009	0.012	38		
Nature Park Outlet d.s. of Cole Avenue												
	004B	5/18/2018	No Flow									
		8/27/2018	No Flow									
		4/3/2019	trickle	7.7	<1	<1	0.38	0.07	<1	<1	<1	<1
		7/23/2019	No Flow									
		5/8/2020	No Flow									
		10/19/2020	No Flow									
Henderson Pond Complex Inlet d.s. of Allision St Pond												
	005A	5/18/2018		7.9	53	ND	0.43	0.17	0.040	0.007	0.009	38
		8/27/2018	No Flow									
		4/3/2019										
		7/23/2019	trickle	7.4	74	ND	0.64	0.23	0.060	0.006	0.019	60
		5/8/2020		8.7	867	ND	0.40	1.18	0.230	0.037	0.044	100
10/19/2020	No Flow											
Henderson Pond Complex Outlet into Custer Wetlands												
	005B	5/18/2018	No Flow									
		8/27/2018	No Flow									
		7/23/2019	No Flow									
		5/8/2020	No Flow									
		10/19/2020	No Flow									
Kmart Pond Inlet												
	NA	1/14/2010	NA	7.5	944	20	2.72	0.65	0.52	0.10	0.09	200
		5/24/2011	NA	8.0	58	1.5	0.86	0.09	ND	ND	0.09	34
		2/22/2012	NA	8.2	578	4	0.43	0.70	0.31	0.12	0.07	47
		7/16/2013	NA	8.2	<10	<1	6.64	0.04	<0.01	<0.001	<0.005	11
		3/10/2014	NA	8.1	250	2	0.62	0.69	0.07	0.03	0.04	92
Kmart Pond Outlet												
		7/16/2013	NA	8.3	ND	1	0.01	0.07	ND	ND	ND	39
Hunters Pointe at Outlet Structure												
	NA	5/24/2011	NA	8.0	58	1.5	0.86	0.09	0.04	ND	ND	34
		2/22/2012	NA	8.0	78	6	0.33	0.33	0.04	0.01	0.01	77
		7/16/2013	NA	8.3	<10	<1	0.01	0.07	<0.01	<0.001	<0.005	30
		3/10/2014	NA	7.9	72	<1	0.44	0.45	0.03	0.01	0.027	39
Henderson Pond Complex at Silsbee												
	NA	2/22/2012	NA	8.3	490	4	0.20	0.74	0.29	0.06	0.061	44
		3/10/2014	NA	7.8	6	<1	2.51	0.20	0.01	<0.01	0.023	29
Custer Wetland at crossing near Fairgrounds												
	NA	3/10/2014	NA	7.8	34	<1	0.22	0.37	0.027	0.009	0.029	43
I-15 Crossing to Regional Pond												
	NA	3/10/2014	NA	7.9	96	<1	0.42	0.44	0.037	0.014	0.030	48
Custer Regional Pond 6 Overflow												
	NA	3/10/2014	NA	7.7	49	<1	0.70	0.32	0.023	0.008	0.027	41
DNRC Pond West Inlet												
	NA	9/14/2017	NA	7.0	300	<1	1.41					





## Monitoring Data Evaluation

Monitoring data locations were changed in 2019 through a request to DEQ from in-line storm sewer locations to the inlet and outlet of two large regional ponds. The new monitoring locations were sampled in 2018, 2019 and in 2020. The locations are 004A and 004B, known as Nature Park Pond, and 005A and 005B, known as Henderson Ponds. The identifier "A" is the inlet to the ponds and "B" is the outlet of the ponds. The drainage area of Nature Park Pond includes nearly all of the commercial downtown area of Helena, while Henderson Pond's drainage area is primarily residential. The data is demonstrating that both ponds effectively treat and infiltrate all runoff throughout the year with no discharge from Henderson Ponds and only limited discharges from Nature Park Pond in the spring when there is increased baseflow from snowmelt and/or higher groundwater conditions. Additionally, Nature Park Pond has been observed to discharge during significant precipitation events as evident from minor erosion observed at the outlet. Some of the data suggests that the inlet water quality is worse during the spring or during rain events following prolonged dry periods; however, there is not enough data to make conclusions and on-going monitoring of these two ponds is recommended and planned for future years.



## MCM 1 AND 2

Public Education and Outreach

Public Involvement and Participation



**The City of Helena updated its web page in 2020 including an overhaul of the stormwater page. Following is the web page address to the storm water page and a summary of the updated information and documents:**

<https://www.helenamt.gov/government/departments/public-works/stormwater>

## **Storm Water System**

Stormwater runoff is a major cause of water pollution in urban areas. When rain falls on our roofs, streets, and parking lots in cities and their suburbs, the water cannot soak into the ground as it should. Stormwater drains through gutters, storm sewers, and other engineered collection systems and is discharged into nearby water bodies. The stormwater runoff carries trash, bacteria, heavy metals, and other pollutants from the urban landscape into water bodies. Today cities and urban areas regulate storm water systems to help improve water quality by various methods remove pollutants from storm water before it enters our water bodies. These methods include Best Management Practices, Low Impact Development and Green Infrastructure.

Due to the size of the City of Helena, our storm water system is regulated under the Montana Pollution Discharge Elimination System General Permit for Storm Water Discharges Associated with Small Municipal Separate Storm Sewer Systems (General Permit) [Link document: Storm Water Discharge Permit 2017.pdf] issued by Montana Department of Environmental Quality. The City has developed a Storm Water Management Plan in accordance with the General Permit requirements which is available online at the following location: (Link Documents: H:\ENGINEERING\MS4\Helena\Storm Water Management Plan 2017\Final Helena SWMP). New additions of infrastructure to the system and new connections that will discharge to the storm sewer system must be developed to meet the requirements in the General Permit, the Storm Water Ordinance under City Code 6-6-1, the Engineering and Design Standards, and the system must be operated to apply Best Management Practices to protect storm water quality.

The Utility Maintenance Division maintains and operates the storm sewer system. The storm sewer system consists of approximately:

- 70 miles of storm pipe, which range from 8 inch to 90 inch pipes
- 30 miles of open storm drainage channels
- 700 manholes
- 1,800 storm inlets

If you see any maintenance needs, such as clogged inlets, eroding channels or poor drainage, please report them to: Utility Maintenance Division at 447-8567 or the Engineering Division at 447-8431.

## Storm Water Program

Federal regulations require municipalities and other operators of storm water systems to obtain authorization to discharge storm water under the National Pollution Discharge Elimination System. Due to Helena's size, we are required to obtain authorization to discharge storm water as a Phase II community (See EPA Storm Water Phase II Final Rule, Fact Sheet 1.0. <https://www.epa.gov/npdes/stormwater-phase-ii-final-rule-fact-sheet-series>

The General Permit for Storm Water Discharges Associated with Small Municipal Separate Storm Sewer Systems requires permittees to develop, implement, and enforce a Stormwater Management Program (SWMP). The SWMP is designed to reduce the discharge of pollutants from the permitted Municipal Separate Storm Sewer System (MS4) to the Maximum Extent Practicable (MEP), to protect water quality, and satisfy the appropriate water quality requirements of the Montana Water Quality Act.

The Storm Water Management Program consists of Best Management Practices (BMPs) for each of the six Minimum Control Measures (MCMs) as identified in the Permit:

- Public Education and Outreach
- Public Participation and Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post Construction Storm Water Management for New Development and Redevelopment
- Pollution Prevention/Good Housekeeping for Municipal Operations

The Storm Water Management Program is available online at the following location [insert link](#). The public is encouraged to review and comment on the SWMP at anytime. If you have any comments please contact:

Matt Culpo - Stormwater Engineer  
(406) 447-8073  
mculpo(at)helenamt.gov

Each year, the City of Helena prepares a Storm Water Small MS4 Annual Report which is submitted to the Department of Environmental Quality. Last year's annual report can be access by the following link: [Small MS4 Annual Report](#).

The City of Helena also partners with the Lewis and Clark County Water Protection District (District). The District was formed in 1992. Its mission is to preserve, protect and improve water quality within District boundaries which includes the City of Helena with the Lake Helena Watershed. The District also provides outreach and education opportunities to the

public. More information can be found at the Lewis and Clark County Water Quality Protection website: <https://www.lccountymt.gov/health/water.html>

For additional information related to storm water protection at home and to see how you can take part, please see our [Storm Water Runoff Pollution](#) and [Clean Water Begins at Home Flyers](#).

## Illicit Discharges

In general, only stormwater and water from the City water distribution system are allowed to be discharged into the storm drainage system. Illicit discharges are defined as a storm drain that has measurable flow during dry weather containing pollutants and/or pathogens and any discharge to the storm sewer system that is not composed entirely of storm water, with exceptions for discharges allowed under the General permit, for example: waters used for firefighting operations, hydrant flushing or car washing. A storm sewer with measurable flow but containing no pollutants is simply considered a normal storm water discharge and generally consists of storm water runoff or groundwater infiltration. The Environmental Protection Agency's, Storm Water Phase II Final Rule for Illicit Discharge Detection and Elimination Minimum Control Measure can be found here: [Link to IDDE Rule](#).

To report any suspected discharges or dumping of pollutants into the stormwater system, referred to as illicit discharges, please immediately contact:

Matt Culpo - Stormwater Engineer  
(406) 447-8073  
mculpo(at)helenamt.gov



## Low Impact Development and Green Infrastructure

The term Low Impact Development (LID) refers to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. Green infrastructure (GI) is the patchwork of natural areas that provide habitat, flood protection and cleaner water. At both the site and regional scale, LID/GI practices aim to preserve, restore and create green space using soils, vegetation, and rainwater harvest techniques. LID is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product. There are many practices that have been used to adhere to these principles such as bioretention facilities, rain gardens, vegetated rooftops, rain barrels, bioswales and water quality ponds. By implementing LID principles and practices, water can be managed in a way that reduces the impact of development and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions. (<https://www.epa.gov/nps/urban-runoff-low-impact-development>)

The City of Helena, as part of a MS4 working group and in cooperation with the Montana Department of Environmental Quality, has prepared the Montana Post-Construction Storm Water Best Management Practices Design Guidance Manual (BMP Manual). These best management practices identified in the BMP Manual represent green infrastructure that can be applied individually or in combination to a development or redevelopment to provide a LID system. The BMP Manual provides design guidance for achieving the storm water quality requirement in the Engineering and Design Standards for treatment of runoff from the 0.5 inch precipitation event. [Click this link to access the BMP Manual.](#)

### Rain Gardens

As a property owner the City of Helena encourages the use of Rain Gardens wherever possible to improve water quality and your property. The City of Helena has prepared the following [Rain Garden flyer](#) related to design and construction of Rain Gardens in the Helena area.

## **Construction Storm Water**

An owner or operator of a construction activity is required to obtain authorization under the General Permit for Stormwater Discharges Associated with Construction Activity for construction activities that include clearing, excavating, grading, grubbing, or placement/removal of earth material with a total area of one or more acres. An owner or operator is a person who owns, leases, operates, controls, or supervises the construction activity. To apply for an authorization under the General Permit within the City of Helena submit a complete Notice of Intent Application Package including Storm Water Pollution Prevention Plan forms to the Building Department with your building permit application and to DEQ. Go to the following link for information related to the General Permit requirements and to obtain the application package and forms: <http://deq.mt.gov/water/stormwater/stormsystems>.

For additional information please see [our Storm Water and Construction Flyer](#).

**Table 1: Public Outreach and Education Key Target Audiences**

	<b>Business Type or Residential Behavior with Potential for Illicit Discharge</b>	<b>Description and Rationale of Potential Illicit Discharge</b>	<b>Primary Potential Pollutants</b>	<b>BMP for Pollutant Disposal, Treatment or Behavioral Change to Reduce or Eliminate Potential Illicit Discharge</b>
<b>Business Types</b>	Auto Service/Gas Stations	Use of automotive fluids. Potential for spilling and need for proper disposal.	Petroleum Products	Require Oil/Water separators for new facilities. City/County Disposal and Recycling available.
	Restaurants	Use of cooking materials such as oils, fats and grease. Potential for spilling and need for proper disposal.	Oils, fats and grease.	Industrial pretreatment program. Fats, oils and grease brochure. Required to use and operate a grease trap. Fats, oil, grease disposal and recycling. Inspections and record keeping.
	Commercial Car Washes	Use of soaps and water to wash off Oil/Sand from vehicles.	Oil, sand, phosphorous.	Oil/Sand separators. Discharge to sanitary sewer.
	Industrial Facilities	Use of chemicals and heavy metals. Potential for spilling and need for disposal.	Various Heavy Metals and Chemicals	Industrial pretreatment program. Industrial User Permit Required. Inspections and record keeping.
	Construction Activities	Use of construction materials such as wastewater form concrete washouts, which have the potential to pollute downstream waterways if not properly contained.	Sediment, wastewater from concrete washouts, fuels, paints and fertilizers.	Require that regulated construction activities obtain coverage under the Construction General Permit. SWPPP review. Site inspections.
	Parking Lots and Vehicle Storage Facilities	Potential for spilling and leaking automotive fluids.	Petroleum Products	Oil/Sand separators.
<b>Residential Behaviors</b>	Vehicle Maintenance	Potential for spilling and leaking automotive fluids.	Petroleum Products	Landfill disposal and recycling. Informational brochure distribution. City website information.
	Lawn Care	Use of fertilizers, pesticides and weed control products.	Fertilizers, pesticides, and weed control products.	Landfill accepts yard debris. Informational brochure distribution. City website information.
	Home Maintenance	Use of paints and household chemicals.	Petroleum products, paint, cleaning products.	Normal household waste disposal to sanitary sewer. Landfill disposal and recycling. Informational brochure distribution. City website information.

### Public Involvement and Participation

As a result of advertising through utility bill mailer and updated contact information on the City website, the storm water engineer occasionally receives phone calls reporting spills and storm water concerns.

No specific feedback on the approaches has been received.

See also City of Helena, Storm Water Management Program, Permit Term 2017-2021, Section 2.2: Public Involvement and Participation for more detailed information.

## MCM 3

### ILLICIT DISCHARGE DETECTION AND ELIMINATION



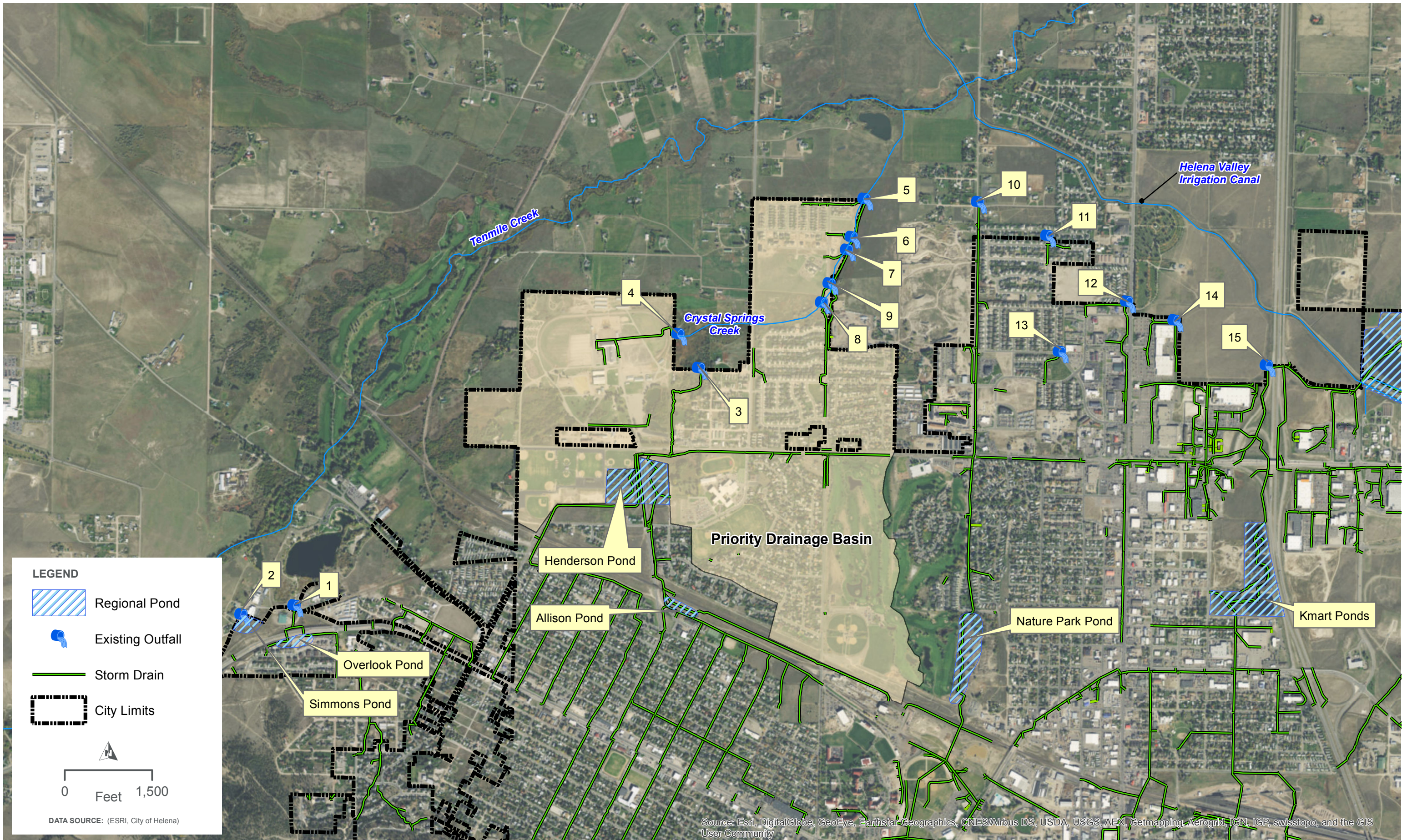
Permit Reference: Part II.A.3.a.i.

The City conducts video surveys of its storm water system on a regular basis and has not seen any evidence of significant non-storm water discharges to its system. As such, the City is not currently aware of any non-storm water discharges that contribute a significant amount of pollutants to the storm water system. An Ordinance is in affect which prohibits illegal discharges which contain pollutants that cause or contribute to a violation of applicable water quality standards or that could cause the City to be in violation of the General Permit. The specific section of the Ordinance that addresses illegal discharges can be found in Title 6, Chapter 6-10 of the City Code and a copy of the Ordinance is provided in Appendix I. Potential for non-storm water discharges which are significant contributors of pollutants will be reviewed annually and addressed in each years' annual report.

The following non-storm water discharges are exempt from the Ordinance and are not considered an illegal discharge: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated and pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, firefighting activities, routine street and utility maintenance, including chip sealing and spreading of gravel and other materials necessary to provide safe streets, and any other water source not containing pollutants.







Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



### High Priority Outfalls for the City of Helena

Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location
3		Henderson Retention Pond Complex	24 inch	Silsbee Ave and Mitchell near Fairgrounds
			24 inch	
4		Fairgrounds Detention Pond	16 inch	Fairgrounds east of Arena
5		North Stone Meadows Detention Pond	8 inch	Andesite Ave and crystal springs creek
6		Central Stone Meadows Detention Pond	10 inch	Benton Ave and Flagstone Ave
7		South Stone Meadows Detention Pond	8 Inch	Benton Ave south of Obsidian Ave
8		Crystal Springs Detention Pond	Open Channel	Benton and Willowbrook
9		County Shop Detention Basin	Open Channel	E of N Benton and Willowbrook Drive

Specific to Traditional MS4s and per requirements f.iii in the referenced MCM, attach the summary of investigations conducted and corrective actions taken per the required Illicit Discharge Investigation and Corrective Action Plan and any associated documents.

No illicit discharges were reported during 2019.

A sanitary sewer collapsed on 15<sup>th</sup> Street upstream of Front which was discovered about 9pm. Bypass pumping was set up the following day and the sanitary sewer repaired the following week.

**Occasional Incidental Non-Storm Water Discharges not to be addressed as Illicit Discharges**

Occasional Incidental non-storm water discharge	Potential Pollutants	Local Controls or Conditions	Reason for non-significance
Charity Car Washes	Sediment and Phosphorous	None	Infrequent occurrence
Sprinkler System Overspray and breaks	Chlorine	None	Overspray and breaks are usually repaired by the owner or reported by residences or City personnel.
Residential Car Washes	Sediment and Phosphorous	None	Infrequent and small scale
Waterline flushing	Chlorine	Use of de-chlorination equipment	Use of water main flushing rules and de-chlorination equipment (Appendix D)
Main Breaks	Chlorine	Isolation/Termination	Rare and unpredictable
Fire Fighting	Chlorine and Fire Suppression Chemicals	Standard Operating Procedures	Emergency Response



## Outfalls for the City of Helena

Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location	Date Inspected
1	Westside	East Simmons Detention Pond	30 inch	Broadwater Ave and spring meadow	7/2017 10/2019
2		West Simmons Detention Pond	12 inch	Broadwater and Motor Ave	7/2017 10/2019
3		Henderson Retention Pond Complex	24 inch	Silsbee Ave and Mitchell near Fairgrounds	7/2017
			24 inch		7/2017
4		Fairgrounds Detention Pond	16 inch	Fairgrounds east of Arena	7/2017
5		North Stone Meadows Detention Pond	8 inch	Andesite Ave and crystal springs creek	7/2017
					6/2020
6		Central Stone Meadows Detention Pond	10 inch	Benton Ave and Flagstone Ave	7/2017 6/2020
7		South Stone Meadows Detention Pond	8 Inch	Benton Ave south of Obsidian Ave	7/2017 6/2020
8	Crystal Springs Detention Pond	Open Channel	Benton and Willowbrook	7/2017	
				6/2020	
9	County Shop Detention Basin	Open Channel	E of N Benton and Willowbrook Drive	7/2017	
				9/2018 6/2020	
10	Last Chance	Nature Park Retention Pond, and on-site detention/ret ponds	24 inch	McHugh Lane north of Golden Estates subdivision	9/2018
11		Golden Estates Detention Pond	18 inch	Jade Street and Amethyst Ave (golden estates)	9/2018
12		Skelton Detention 1, 2, 3, and 4	24 inch	North of Ptarmigan and Montana Ave	9/2018
					6/2020
13	Anderson BP Detention and open channel	Open Channel	S of Road Runner and Sand Piper	9/2018	
14	Davis	Target Retention Pond	36 inch	Jordan Drive behind Macy's	9/2018
15		Davis Region Pond and Kmart Pond	48 inch	I-15 Regional Ponds	9/2018
16	Bull Run West	Burnham Ranch Retention Pond			
17		Helena Regional Detention and York and Custer Detention	55 inch	York Road north of Custer	9/2018

Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location	Date Inspected
18	Airport	Airport Detention 4, 5.1, and 5.2 and 1400ft of open channel	21 inch	Canyon Ferry Road east of Y-county	9/2018
19		Airport Retention R-13 and National Guard, Helena Aviation, Fire and D10 Detention	48 x 60 inch	Helena Valley Canal Crossing east of National Guard	9/2018
20		Airport Retention R-910 and Detention Pond 2	54 inch	Helena Valley Canal Crossing east end Airport	9/2018 11/2019
21	Bull Run Upstream of Airport	Walmart Detention 1 and 2	36 in	NW of Miller and Carter	9/2019
22		Staples Retention	18 in	NW of Miller and Carter	9/2019
23		Future Nichole St Pond	36 in	N of Nichole St and RR Tracks	9/2019
24		Open Channel	Open Channel	N of Dick Anderson Construction	9/2019
25		Hunters Point and Mountain West Bank Detention	Open Channel	N of I15, upstream of Synness Auto Salvage	9/2019 4/2020
26		Nob Hill Retention 1 and 2, and Nob Hill Detention 1, Grass swale along I15	24 in	NW of I15 and Mendocino Drive	4/2020
27	Far East	Nob Hill Detention 4	Open Channel	Colonial drive south of Nob Hill Lift station	4/2020
28		Aspen Meadows Detention	84 inch	Alice street East of Crossroads Pkwy	11/2019
29		Grass channel, small basin at culvert inlet	2-24 inch	Crossroads Pkwy and Prospect Ave (highway 12)	11/2019
30		West Aspen Meadows Retention	24 inch	Alice street East of Cascade Ave	11/2019
31		East Aspen Meadows Retention	42 inch	Twilight and Stillwater streets	11/2019
32		East Aspen Meadows Retention	12 inch	Runkle Pkwy between Still water and Alpine View	11/2019
33		Open Channel for 700ft	12 inch	Runkle Pkwy and Highway 282	11/2019
34		Aspen Meadows Detention North and South	36 inch	Highway 282 south of Runkle Parkway	11/2019

Note: All screening results have resulted in zero suspected illicit discharges.



# ILLICIT DISCHARGE INVESTIGATION AND CORRECTIVE ACTION PLAN WITHIN THE CITY OF HELENA, MONTANA

September 1, 2020

## Introduction

In accordance with the General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4), issued by the Montana Department of Environmental Quality (DEQ), the City of Helena is required to develop and implement an illicit discharge investigation and corrective action plan. Illicit discharge as defined in the Administrative Rules of Montana (ARM) 17.30.1102(7) "means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an MPDES permit (other than the MPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities." This plan provides guidelines for tracking potential illicit discharges and criteria by which City personnel can determine the most appropriate corrective action to eliminate an illicit discharge. *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments*, developed by the Center for Watershed Protection (CWP), was utilized to guide the development of this plan. The complete document is available at City of Helena, Engineering Division for reference.

This plan has been developed with the following objectives in mind:

- Identify the source of an illicit discharge
- Determine appropriate corrective actions
- Abate damages following detection of illicit discharge
- Prevent recurrence of illicit discharge violations

## 1. Source Detection and Investigation Procedures

Potential illicit discharges can be revealed through various sources such as outfall inspections, reports from staff, or public complaints. If the source of a potential illicit discharge is not immediately clear the City will begin an official illicit discharge investigation to trace the source of the illicit discharge following the procedures outlined in this section.

In cases where the source of an illicit discharge is immediately known (e.g. when an illegal dumping or illicit discharge problem is directly observed by a member of the City staff) it is generally not necessary to follow investigation procedures. In such cases the Storm Water Coordinator or Utility Maintenance Supervisor will complete the steps outlined in Sections 1.1 - 1.4 and will then refer to the corrective action procedures provided in Section 2.

### 1.1 Documentation

When a potential illicit discharge is identified the Storm Water Coordinator or Utility Maintenance Supervisor will start an investigation file. An Illicit Discharge Investigation and Corrective Action Form which includes a creation date, case description, and any information related to the observed or suspected problem will be filled out. The Storm Water Coordinator or Utility Maintenance Supervisor will keep an accurate log of labor, materials and costs associated with the investigation for invoicing the responsible party, if necessary. The form will be started prior to completing any additional field work unless the nature of the discharge necessitates an immediate response. As the investigation proceeds, any field investigations, photographs, corrective actions, or other activities associated with the suspected problem area will be documented and saved on file as this becomes the City's official record of the illicit discharge detection and elimination (IDDE) investigation. Additional documentation may include the following:

- Outfall Inspection Report
- Photographs
- Field notes

- Lab testing results
- Compliance letters sent and responses received
- Correspondence (mail, email, telephone logs)
- Proof of corrected problems (contract and invoice or clean field investigation report)

## **1.2 Site Visit**

In cases where the City did not discover the potential illicit discharge (e.g. the City was made aware via a public complaint), the Storm Water Coordinator or Utility Maintenance Supervisor will conduct a site visit to confirm the nature of the problem and determine the prioritization of the investigation.

## **1.3 Prioritization**

Each suspected illicit discharge has the potential to cause damage to the MS4 and receiving waters; however, certain situations may warrant more immediate attention than others and each investigation must be prioritized in order to protect public health and avoid serious threats to the environment or damage to property. The following items will be considered when determining the immediacy of the investigation:

- Discharges posing an immediate threat to human health or the environment
- Discharges with a potential to contaminate drinking water
- Discharges with the potential to contaminate groundwater
- Discharges into or with a potential to reach surface water
- Any continuous flow or any volume large enough that it is not contained

## **1.4 Notification of Appropriate Agencies**

### Threat to Human Health:

Discharges and/or activities which are believed to be an immediate threat to human health or the environment will be reported to Montana DEQ and Lewis and Clark County Health Department. DEQ's Enforcement Division may assist in the investigation and corrective action process if necessary. The phone number and website to access a Complaint/Spill Form are as follows:

Phone: (406) 444-0379

Website: <http://deq.mt.gov/enf/spill.mcp>

The local health department protects people from health threats such as food-borne illnesses, natural and man-made disasters, toxic exposures, and preventable illness and injury. This includes hazardous spills near drinking water sources, parks with dogs and children, and potential to contaminant soils and groundwater. The Lewis and Clark County Health Department phone number is:

Phone: (406) 457-8900

### Hazardous Materials:

Lewis and Clark County has a Hazardous Materials – Terrorism Incident Response Plan which covers appropriate responses and contact information in the event of a hazardous material spill. When hazardous materials are suspected the Montana Disaster and Emergency Services Duty Officer will be contacted to determine if hazardous materials response is necessary:

Phone: (406) 841-3911

Additionally, the National Response Center can be notified if the MT DES Duty Officer is not available at:

Phone: (800)-424-8802

## 1.5 Select Appropriate Investigation Method

The four investigation methods which may be used to trace and identify the source of a suspected illicit discharge are as follows:

- Storm Drain Network Investigations
- Drainage Area Investigations
- On-Site Investigations
- Septic System Investigations

The Storm Water Coordinator or Utility Maintenance Supervisor will review available information (e.g. initial documentation, previous investigations conducted in the vicinity, etc.) and select the appropriate method. Each method, as described by the CWP, is briefly discussed below. Once the appropriate method is selected Chapter 13 of the CWP's *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* will be consulted, which contains detailed guidance on how to efficiently conduct each investigation.

After the appropriate investigation method has been selected, the Storm Water Coordinator or Utility Maintenance Supervisor will coordinate the appropriate resources to begin the investigation to trace and identify the source of the illicit discharge.

*The four investigation methods are briefly introduced below, additional information and instructions for each method may be found in Chapter 13 of the CWP's IDDE Guidance Manual referenced above. The City may choose to either use this manual to further develop this section of the document or refer the reader to Chapter 13 of the IDDE Guidance Manual.*

### **i.) Storm Drain Network Investigations**

City personnel inspect manholes within the area of the suspected illicit discharge and examine the manhole contents for chemical or physical indicators of contaminants in an effort to narrow the illicit discharge location to an isolated pipe segment between two manholes. Indicators may include odor, color, staining, unusual films, floatables, or samples which may be taken for chemical testing in a laboratory. The City's storm drainage system map will be helpful in determining which manholes to visit and inspect. After the pipe segment has been isolated, on-site investigations may be used to locate the exact location of the illicit discharge.

### **ii.) Drainage Area Investigations**

When there is strong evidence that suggests a specific and known contaminant or if the known contaminant points towards a short list of potential discharge sources, it is often most effective to survey the drainage area and focus on sites which are known to produce and/or contain the contaminant which has been identified within the storm drain network. The primary methods for conducting drainage area investigations include windshield surveys and mapping analyses. While conducting the investigation it is recommended to consult the mapped pipe network and compare this to maps of high priority businesses, land use types and zoning, and on-going construction projects.

### **iii.) On-Site Investigations**

The on-site investigation diagnoses the exact location and source of an illicit discharge and should be performed after the illicit discharge has been isolated to a specific section of the storm drain network. Techniques such as dye testing the plumbing systems of households and buildings, video testing, and smoke testing may be necessary for this type of investigation. It is important to understand when a technique would work best for the application and to understand limitations that may deem the technique unusable.

### **iv.) Septic System Investigations**

Some residential watersheds do not have sanitary sewer systems or stormwater conveyance piping, but rather have septic systems and alternative practices for dealing with stormwater volumes. Stormwater conveyance systems consisting of swales, ditches, and ponds are common in these watersheds and the illicit discharges often come from failing septic systems and illegal dumping. Two separate types of analyses are typically employed in these areas:

on-site septic investigations and detailed system inspections. On-site septic investigations typically include homeowner system audits or surface condition analyses. Detailed system inspections are more thorough, typically involve the use of infrared imagery, and are usually appropriate if the on-site investigations are not successful in locating the source of an illicit discharge.

### **1.6 Document Investigation Findings**

Once the source of an illicit discharge has been identified, the Storm Water Coordinator or Utility Maintenance Supervisor will document the findings and progress towards the corrective action process. Documentation may include but are not limited to:

- Investigation method(s)
- Photographs
- Additional field notes
- Lab testing results

## **2. Corrective Action Process and Procedures**

After the source of an illicit discharge has been identified, the Storm Water Coordinator or Utility Maintenance Supervisor will begin the corrective action process to eliminate the discharge. Where applicable, corrective actions will focus first on education to promote voluntary compliance and escalate to increasingly severe enforcement actions as needed.

### **2.1 Determine Type of Illicit Discharge**

The type of an illicit discharge can be generalized as either behavioral or structural, each of which is discussed below.

#### **i.) Behavioral**

The nature of the illicit discharge is an action, operation, or conduct and the illicit discharge will be eliminated when this behavior is modified.

#### **ii.) Structural**

The illicit discharge is caused by a physical configuration or connection which requires modification of the system in order to eliminate the discharge.

### **2.2 Assign Responsibility**

The party responsible to fix the illicit discharge will be identified based on a field investigation conducted by the City's Storm Water Coordinator or Utility Maintenance Supervisor. The City may take the lead on the clean up action or request additional assistance as appropriate if the illicit discharge is an immediate threat to public health and safety. The cost of clean up will be charged back to the responsible party.

### **2.3 Select Appropriate Corrective Action**

If deemed to be safe and within the Storm Water Coordinator or Utility Maintenance Supervisor authority and capabilities the illicit discharge may be eliminated immediately using appropriate and available methods.

For cases where a private property owner is responsible the Storm Water Coordinator or Utility Maintenance Supervisor will coordinate with the Responsible Party to determine an appropriate method to eliminate the illicit discharge. If necessary, enforcement actions such as a compliance schedule will be created to ensure that the illicit discharge is eliminated in a timely manner (refer to the Enforcement Response Plan (ERP) to determine appropriate enforcement actions).

Chapters 8 and 14 of the CWP's *Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments* provides a list of methods to remove and

eliminate illicit discharges and will be used, if necessary, to determine the appropriate corrective action.

#### **2.4 Confirm and Document Elimination of Contamination Source**

A site visit may be necessary to confirm the source has been eliminated, the corrected operations are sufficient, and/or the structural problem has been fixed according to the approved corrective action. In other cases it may be sufficient to allow a verbal confirmation from the property owner, a photograph of the modification, as-built drawings, or simply verify that all signs of the illicit discharge are gone. Once confirmed, the Storm Water Coordinator or Utility Maintenance Supervisor will close the investigation and correction file by noting the elimination of the discharge within the Illicit Discharge Investigation and Corrective Action Form.

#### **2.5 Enforcement Actions**

In circumstances where the responsible party does not volunteer compliance, refuses compliance, or disputes responsibility, the City will take enforcement actions consistent with the Enforcement Response Plan in order to ensure that the discharge is eliminated. Note that voluntary compliance in eliminating an illicit discharge may not preclude the responsible party from enforcement actions.

**ATTACHMENT A**  
**ILLICIT DISCHARGE INVESTIGATION & CORRECTIVE ACTION FORM**

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City Personnel Involved

Date

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Type of Initial Notification (e.g. Phone call from public, result of City inspection, Dry weather screening, etc.)

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Location of Illicit Discharge (Address)

( ) -

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Responsible Party Name/Company

Telephone

*Repeat Offender*

*High Priority Site*

---

Street

City

Zip

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Description of Investigations Conducted and Investigation Findings:

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Description of Corrective Action:

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Enforcement Action (if applicable):

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Level of Response

Selected Remedy

Date for Follow-Up

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Additional Notes:

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Confirmation of Resolution:

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City Personnel

Date

MCM 5

POST CONSTRUCTION SITE STORM WATER MANAGMENT





## Chapter 6 STORMWATER CONTROL

### 6-6-1: TITLE:

This chapter may be cited as the *HELENA STORMWATER CONTROL CHAPTER*. (Ord. 3120, 12-21-2009)

### 6-6-2: PURPOSE:

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the city of Helena by protecting water quality through the regulation of nonstormwater discharges to the stormwater drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the Montana pollutant discharge elimination system (MPDES) permit process. The objectives of this chapter are:

- A. To regulate the contribution of pollutants to the municipal separate storm sewer system from stormwater discharges by any user.
- B. To prohibit illegal connections to and discharges into the municipal separate storm sewer system.
- C. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.
- D. To establish legal authority to develop, implement, and enforce a program to address stormwater runoff from new development and redevelopment projects. (Ord. 3120, 12-21-2009)

### 6-6-3: DEFINITIONS:

For purposes of this chapter, the following definitions apply:

**BEST MANAGEMENT PRACTICES (BMPs):** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CONSTRUCTION ACTIVITY:** Development and redevelopment projects resulting in any land disturbance including, but not limited to, clearing and grubbing, grading, excavating, and demolition.

**DEPARTMENT:** City of Helena public works department.

**DETENTION/RETENTION BASINS:** A normally dry area designed to capture and hold stormwater. The stormwater may be captured and released at a uniform rate after the storm peak flow has passed (detention) or the stormwater may be held for evaporation or infiltration into the ground and not released at all (retention).

**DISCHARGE:** Any direct or indirect nonstormwater discharge to the storm drain system.

**HAZARDOUS MATERIALS:** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. This includes materials defined as hazardous by the United States environmental protection agency and the Montana department of environmental quality.

**ILLEGAL CONNECTIONS:** Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances that allow any nonstormwater discharge, including sewage, processed wastewater, and wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drains or connections had been previously allowed, permitted, or approved by the department, or any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records, and approved by the department.

**INDUSTRIAL ACTIVITY:** Activities subject to MPDES industrial permits as defined in 40 CFR, section 122.26(b)(14).

**MS4:** The municipal separate storm sewer system including stormwater drainage facilities and system.

**MANMADE DRAINAGEWAY:** An open channel designed to carry stormwater.

**MONTANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (MPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by the Montana department of environmental quality that authorizes the discharge of pollutants to surface waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis. Also includes permits issued by the United States environmental protection agency.

**NATURAL DRAINAGEWAY:** A recognizable drainage which has historically carried storm or runoff water. The drainageway may still be in its native state or may be partially or totally encroached upon. The limits of the drainageway are considered to be the outermost area of flow for the design storm or the prescribed easement for

the drainageway.

**NONSTORMWATER DISCHARGE:** Any discharge to the storm drain system that is not composed entirely of stormwater.

**PERSON:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law.

**POLLUTANT:** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes; and refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous materials and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES:** Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

**STORM DRAINAGE SYSTEM OR FACILITIES:** City owned or controlled facilities that are part of the MS4 by which stormwater is collected or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and humanmade or altered drainage channels, reservoirs, and other drainage structures.

**STORMWATER:** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**STORMWATER POLLUTION PREVENTION PLAN:** A written document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a site, and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, or receiving waters to the maximum extent practicable.

**STORMWATER UTILITY:** A funding mechanism for maintenance and operation of, as well as capital improvements to, the stormwater drainage system. The utility is a user fee charged equitably to all property within the service area which benefits from the utility.

**WASTEWATER:** Any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (Ord. 3120, 12-21-2009)

#### **6-6-4: APPLICABILITY:**

This chapter applies to all water entering the city's separate stormwater system that is generated on any developed and undeveloped land. (Ord. 3120, 12-21-2009)

#### **6-6-5: STORMWATER UTILITY SERVICE AREA:**

The stormwater utility service area is inclusive of all premises annexed to the city and bounded by the incorporated city limits as the same may be adjusted by the city commission.

The city reserves the right to plan for drainage improvements outside the service area. The city may also construct storm drainage improvements out of the service area when needed as an integral part of the storm drain facilities located within the service area. (Ord. 3120, 12-21-2009)

#### **6-6-6: RESPONSIBILITY FOR ADMINISTRATION:**

The department shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the department may be delegated by the department to persons or entities acting in the beneficial interest of or in the employ of the city. (Ord. 3120, 12-21-2009)

#### **6-6-7: COOPERATION WITH THE COUNTY:**

The city shall, in all ways and within the limits of its powers, solicit the county to cooperate in providing drainage facilities in stormwater basins, or parts thereof, extending outside the city and, in general, to carry out the drainage plan developed therein. (Ord. 3120, 12-21-2009)

#### **6-6-8: STORM DRAINAGE MASTER PLAN:**

The storm drainage master plan prepared by Stahley and Wright-McLaughlin Engineers and dated April 9, 1980, as well as the application updates of the Davis Gulch Basin dated May 1985, prepared by Robert Peccia and Associates, and the updates of the Last Chance Gulch Basin, Bull Run Basin and West Area Basin prepared by Stahley Engineering and Associates, dated May 1989, are hereby adopted by reference and declared to be part of this chapter. The plans are on file in the office of the city engineer. The city may adopt additional master drainage plan updates by reference and declare them to be a part of this chapter, and copies of such master drainage plan updates shall be on file in the office of the city engineer. Modifications of the plans may be initiated by the department and submitted to the city commission for approval. Approved modifications are to be filed in the office of the city engineer. (Ord. 3120, 12-21-2009)

#### **6-6-9: ULTIMATE RESPONSIBILITY:**

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants. (Ord. 3120, 12-21-2009)

**6-6-10: PROHIBITION OF ILLEGAL DISCHARGES:**

- A. A person may not discharge or cause to be discharged into the MS4 any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards or that could cause the city to be in violation of its MPDES phase II permit, other than stormwater. Any such prohibited discharge is an illegal discharge.
- B. The commencement, conduct, or continuance of any illegal discharge to the MS4 is prohibited except as follows:
1. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated and pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, firefighting activities, routine street and utility maintenance, including chip sealing and spreading of gravel and other materials necessary to provide safe streets, and any other water source not containing pollutants;
  2. Discharges specified in writing by the department as being necessary to protect public health and safety;
  3. Any nonstormwater discharge permitted under an MPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal environmental protection agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system; and
  4. Other nonstormwater discharges which are not a source of pollutants to the city's MS4 or waters of the United States and are exempted in writing by the department.
- C. It is unlawful to introduce hazardous materials into any drainage system. The originator of any hazardous material spill or introduction is responsible for the material, and shall pay all applicable investigation and cleanup costs, including the cost of equipment, materials, staff time with fringes, and consultant charges.
- D. The city may use available and reasonable testing to identify the source of an illegal discharge including, but not limited to, visual inspections, sample collection and testing, dye testing, and smoke testing. (Ord. 3120, 12-21-2009)

**6-6-11: DRAINAGEWAY PROTECTION:**

- A. It is unlawful to encroach upon natural or manmade drainageways with:
1. Temporary or permanent structures not approved by the city manager; or
  2. Fill material or other material obstructing or restricting natural stormwater flow.
- B. Natural or manmade drainageways may be altered under the supervision of, and upon application to, the department under the following circumstances:
1. A roadway crossing, provided drainage is considered in the design and culverts are designed to handle proper flow as specified in the master plan and updates, or bridges are designed such that the opening is adequate;
  2. Improvements such as detention basins; and
  3. Slope improvements.
- All improvements or changes to drainageways must be designed by a registered professional engineer and submitted for approval to the department. Approval must be obtained before any on site work commences. (Ord. 3120, 12-21-2009)

**6-6-12: PROHIBITION OF ILLEGAL CONNECTIONS:**

- A. The construction, use, maintenance or continued existence of illegal connections to the storm drain system is prohibited.
- B. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- C. A person who wishes to connect to the MS4 shall obtain permission from the department to install the connection in accordance with city engineering standards. (Ord. 3120, 12-21-2009)

**6-6-13: SUSPENSION OF MS4 ACCESS:**

- A. The department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- B. A person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illegal discharge. The department will notify a violator of the proposed termination of its MS4 access. The violator may petition the department for a reconsideration and hearing.
- C. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the department. (Ord. 3120, 12-21-2009)

#### **6-6-14: MONITORING OF DISCHARGES:**

- A. This section applies to all facilities that have stormwater discharges including construction activity.
- B. The department is permitted to enter and inspect MS4 facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the department.
- C. Facility operators shall allow the department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an MPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- D. The department has the right to set up on any permitted facility such devices as are necessary in the opinion of the department to conduct monitoring or sampling of the facility's stormwater discharge.
- E. The department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment must be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality must be calibrated to ensure their accuracy.
- F. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled must be promptly removed by the operator at the written or oral request of the department and may not be replaced. The cost of clearing such access is borne by the operator.
- G. Unreasonable delay in allowing the department access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with an MPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.
- H. If the department has been refused access to any part of the premises from which stormwater is discharged, and it is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a court order from any court of competent jurisdiction. (Ord. 3120, 12-21-2009)

#### **6-6-15: DEVELOPMENT AND REDEVELOPMENT ACTIVITY AND POSTCONSTRUCTION STORMWATER CONTROL:**

- A. A construction activity stormwater permit is required for construction activity that disturbs one acre or more, including projects disturbing less than one acre that are part of a larger common plan of development, redevelopment, or sale. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.
- B. An owner or developer of land required to obtain a construction activity stormwater permit must submit an executed copy of the state standard notice of intent ("NOI") and a stormwater pollution prevention plan prepared and stamped by a licensed professional engineer prior to performing any construction activity.
- C. A construction activity stormwater permit will require erosion and sediment controls through the design, installation, and construction of stormwater management and control practices on the permitted construction site including structural BMPs and elements of site design for construction stormwater management other than structural BMPs.

- D. The permittee is required to perform regularly scheduled construction activity site inspections at least every fourteen (14) calendar days and within twenty four (24) hours of a precipitation event to ensure that all BMPs have been constructed and are functioning properly. The permittee must document all inspections in writing and make inspection records available to the department for review.
- E. Commencement of construction work on development or redevelopment projects that disturbs one acre or more, including projects disturbing less than one acre that are part of a larger common plan of development, may not begin until such time as a permit is issued and final approval of the drainage plan if required below is obtained in accordance with this chapter.
- F. Any person subject to a construction activity MPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the department prior to the allowing of discharges to the MS4.
- G. In order to address postconstruction stormwater runoff, all owners or developers of property that are required to submit a drainage plan shall provide the stormwater facilities necessary for the drainage and control of flood and surface waters within stormwater basins and shall provide the facilities required to convey such waters from the stormwater basin to major drainageways. The cost of installing stormwater facilities in the service area is charged in whole or in part against the property in the service area.
- H. All owners or developers applying for any of the following permits or approvals shall submit a drainage plan for approval, prepared and stamped by a professional engineer, with the application or request:
1. Major subdivision plat approval;
  2. Minor subdivision plat approval;
  3. Building permits where the impervious development coverage within the property is five thousand (5,000) or more square feet, or where development is in an area critical to the functioning of the MS4 as determined by the department; and
  4. Planned unit development (PUD).
- I. The same plan submitted during one permit or approval process may be subsequently submitted with other required applications. The plan must be supplemented with such additional information as may be requested by the department.
- J. The drainage plan requirement established in this section applies except when the owner or developer demonstrates to the satisfaction of the department that the proposed use of the property:
1. Will neither seriously nor adversely impact the water quality conditions of any affected receiving bodies of water;
  2. Will not alter the surface discharge location, alter the drainage pattern on adjoining properties, alter drainage patterns, increase the discharge, or cause any other adverse effects in the drainage area; and
  3. Will not alter the subsurface drainage patterns, flow rates and discharge points, or result in any significant adverse effects to property or residents.
- K. Drainage plans shall be prepared by a certified engineer in accordance with current hydraulic hydrology practices and hydrology design standards and shall be consistent with the storm drain master plan. Drainage plans shall consist of drainage calculations and mitigation of stormwater drainage and include contour lines as necessary and explicitly describe the stormwater drainage system, including any required detention areas.
- L. All required storm drainage plans must be submitted for review by and approval of the department. At the time of approval of the drainage plan for the subject property, a schedule for inspection of required construction and facilities will be established by the department. (Ord. 3120, 12-21-2009)

#### **6-6-16: CREDIT FOR CONSTRUCTION OF STORM DRAINAGE FACILITIES:**

If the department requires an owner or developer to construct stormwater facilities that serve more than that development and are identified in the storm drain master plan, a portion of the actual costs incurred may be eligible for credit from the city's stormwater drainage assessment. To be eligible for credit, prior to final approval of the development agreement, the owner or developer must submit a report to the stormwater utility detailing the proposed improvements and obtain the city's approval of the report. The report must identify all elements of the project eligible for credit and include a detailed project description, a project bid form with estimated quantities, unit prices, engineering design and construction management costs. The report also must provide an accurate quantity and cost delineation between the proposed stormwater improvements necessary to meet the standard requirements of the development. The books and records of the owner or developer relating to the stormwater facilities for which the utility is providing reimbursement must be open to the city at all reasonable times for the purpose of auditing or verifying costs. The department will recommend inclusion of the cost of improvements eligible for credit in the next available budget submitted to the city commission. Upon approval and appropriation by the city commission, such costs will be credited from the storm drainage fund. (Ord. 3120, 12-21-2009)

#### **6-6-17: RESPONSIBILITY FOR ACCEPTED STORMWATER FACILITIES:**

All stormwater facilities constructed, installed, or provided hereunder, upon acceptance by the city, are the property of the city and thereafter the city is responsible for the operation and maintenance of the facilities. The city shall maintain all accepted public stormwater facilities located within city owned land, city rights of way and city

easements. (Ord. 3120, 12-21-2009)

#### **6-6-18: RESPONSIBILITY FOR PRIVATE STORM DRAINAGE FACILITIES:**

Property owners who install private storm drainage facilities that are not connected to the MS4 and not accepted by the city are required to perform maintenance of all private storm drainage facilities to ensure that those facilities function as designed. (Ord. 3120, 12-21-2009)

#### **6-6-19: APPLICABILITY TO GOVERNMENTAL ENTITIES:**

All governmental entities are required to submit a drainage plan and comply with the terms of this chapter when developing or improving land including, but not limited to, road construction and reconstruction and other improvements that can affect stormwater runoff within the city. (Ord. 3120, 12-21-2009)

#### **6-6-20: REQUIREMENT TO USE BEST MANAGEMENT PRACTICES:**

The department will adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at the owner's own expense, reasonable protection from the accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premises that is or may be the source of an illegal discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid MPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, is deemed compliance with the provisions of this section. Adopted BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the MPDES permit. (Ord. 3120, 12-21-2009)

#### **6-6-21: NOTIFICATION OF SPILLS:**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S. that person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials that person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the department in person or by phone, electronic mail, or facsimile no later than the next business day. Notification in person or by phone must be confirmed by written notice addressed and mailed to the department within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three (3) years. (Ord. 3120, 12-21-2009)

#### **6-6-22: MANAGEMENT OF MUNICIPAL SEPARATE STORMWATER SYSTEM:**

- A. The purpose of the stormwater utility rates and charges established by the city commission is to generate sufficient revenue to pay all costs for the operation, maintenance, administration and routine functions of the existing MS4 and the operation, maintenance and administration of such future storm drainage facilities as may be established within or without the service area and to pay for the review of drainage plans, and the design, right of way acquisition and construction or reconstruction of stormwater facilities. All of the proceeds are deemed to be in payment for use of the city stormwater system.
- B. The department shall determine the total annual cost of operation and maintenance of the stormwater system. The total annual cost of operation and maintenance includes, but is not limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. Capital improvement priorities are determined by the city commission, and utility rates shall be passed in the same manner as all other special assessments. All assessments are set by resolution after public hearing.
- C. The city may assess a user fee upon all assessable property within the service area. This charge must appear on yearly property tax statements distributed by the county or by individual billing where necessary. The property owner shall pay the fee directly to the county and the county shall then pay the city the fee in the same manner as all other special fees and assessments. The city reserves the right to pursue further legal action to remedy nonpayment. Nonpayment constitutes a lien on the property, as are other taxes and assessments, in accordance with state law.
- D. The rates, charges, and rentals are deemed prima facie fair, reasonable, and equitable. In any case where any contention is made that the rates are unfair, inequitable, or unreasonable, the party objecting thereto shall apply to the city, stating the facts and grounds of the complaint, and the city shall investigate and report with recommendations to the city commission. The city shall consider each and every such complaint and report, and communicate such findings in respect thereto to the city commission within one month after the filing of each such complaint. The city commission has the right to order public hearings as to any such matter and, if convinced that an adjustment of stormwater utility rates or charges for such lot or parcel of land is necessary to provide equality with those charged to others, it shall so provide. (Ord. 3120, 12-21-2009)

**6-6-23: VIOLATIONS AND CIVIL ENFORCEMENT:**

- A. Whenever the department finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the department may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
1. The performance of monitoring, analyses, and reporting;
  2. The elimination of illegal connections or discharges;
  3. That violating discharges, practices, or operations shall cease and desist;
  4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  5. Payment of restitution for remediation costs;
  6. The implementation of source control or treatment BMPs; and
  7. The cessation of any construction or postconstruction work not permitted according to this chapter.
- B. If abatement of a violation or restoration of affected property is required, the notice will set forth a deadline within which such remediation or restoration must be completed. Said notice will further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by the city and the expense thereof may be levied against the real property of the violator.
- C. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then the department may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation or restore the property. The total cost thereof may be assessed against the real property of the violator in the same manner as a property tax. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the department or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 3120, 12-21-2009)

**6-6-24: VIOLATIONS AND CRIMINAL ENFORCEMENT:**

Violations of this chapter may also subject the violator to a fine in any sum not to exceed five hundred dollars (\$500.00), or imprisonment in the county jail for a period not to exceed thirty (30) days, or both such fine and imprisonment. The department may recover all attorney fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. (Ord. 3120, 12-21-2009)

**6-6-25: INJUNCTIVE RELIEF:**

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. 3120, 12-21-2009)

**6-6-26: REMEDIES NOT EXCLUSIVE:**

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal or state law, and it is within the discretion of the city to seek cumulative remedies. (Ord. 3120, 12-21-2009)





# ENFORCEMENT RESPONSE PLAN FOR STORMWATER MANAGEMENT WITHIN THE CITY OF HELENA, MONTANA

## December 2018

### Introduction

In accordance with the General Permit for Storm Water Discharge Associated with Small Municipal Separate Storm Sewer System (MS4), issued by the Montana Department of Environmental Quality (DEQ), the City of Helena is required to develop and implement an Enforcement Response Plan (ERP) to ensure compliance with stormwater regulations. The purpose of this ERP is to specify criteria by which City personnel can determine the enforcement action most appropriate to instances of non-compliance and communicate how the enforcement tools available to City personnel will be used to achieve compliance following violations of the City's stormwater regulations. This document addresses the Montana DEQ MS4 General Permit's ERP requirements for the following Minimum Control Measures (MCM's):

- MCM 4: Illicit Discharge Detection and Elimination
- MCM 5: Construction Site Storm Water Management
- MCM 6: Post-Construction Site Storm Water Management in New and Redevelopment

The procedures within this ERP have been developed with the following objectives in mind:

- Prevent pollutants from entering the MS4 and causing environmental harm.
- Communicate definitions for non-compliance.
- Establish appropriate enforcement action based on the nature and severity of the violation.
- Promote consistent and timely use of enforcement tools.
- Ensure that violators return to compliance in a timely manner.
- Recover costs incurred by the City due to operator non-compliance.
- Promote compliance through education and compliance assistance first and, if necessary, penalties second.

The City of Helena has the authority to enforce stormwater regulations under Title 6: Public Utilities, Chapter 6: Stormwater Control of its municipal code which covers:

- Illicit Discharge Detection and Elimination under 6-6-10
- Construction Site Storm Water management under 6-6-15
- Post-Construction Site Storm Water Management under 6-6-15
- *Enforcement under 6-6-24*

*A complete copy of the City Code regulating stormwater is included in Appendix I of the Storm Water Management Plan.*

### Acronyms

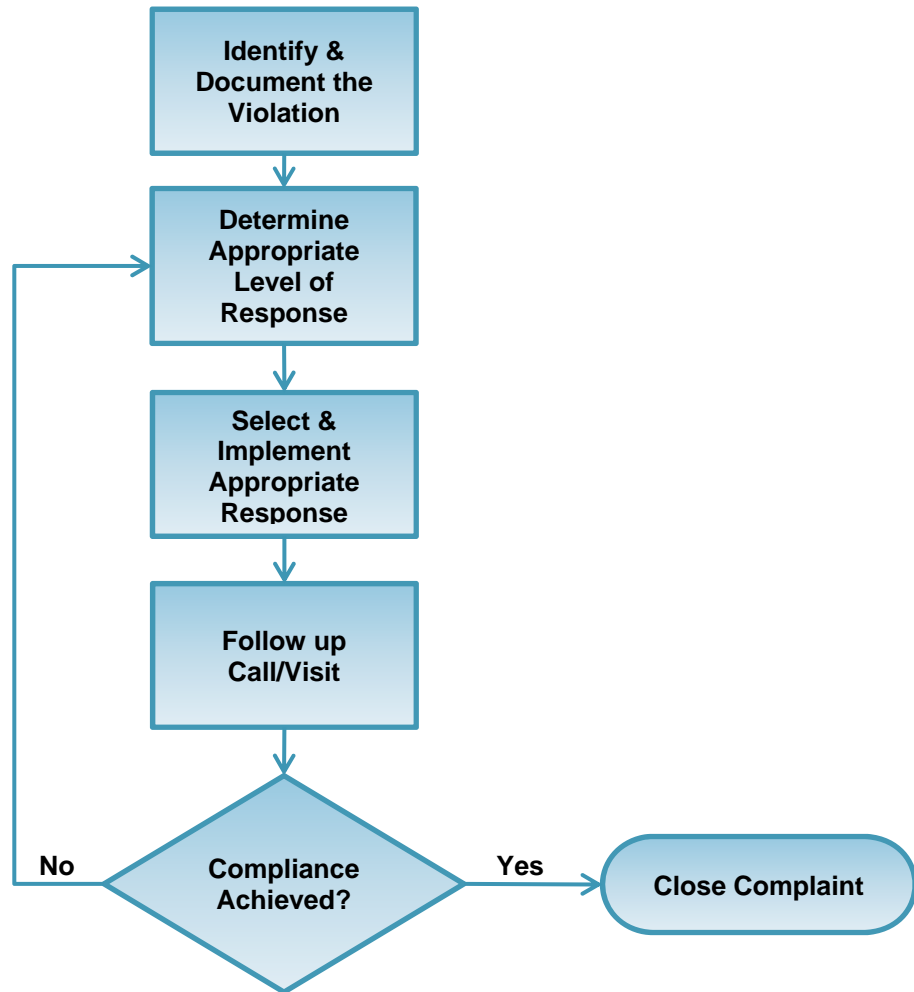
The following acronyms shall have the following meaning:

DEQ	Department of Environmental Quality
ERP	Enforcement Response Plan
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
NOV	Notice of Violation
SWO	Stop Work Order

## 1. Enforcement Response Plan Overview

The enforcement process consists of six basic steps beginning with identification of a violation and concluding with closing the complaint. The overall process is shown within the flowchart below and is further explained within the following sections.

**Enforcement Response Flowchart for the  
City of Helena Stormwater Management Program**



## **2. Determining the Appropriate Level of Response**

Once a potential violation is identified, the appropriate level of response should be determined and an appropriate response remedy should then be selected. The City has five levels of responses, each of which is briefly described below.

### **2.1 Level 1: No Enforcement Action**

There may be situations where city personnel are made aware of a potential violation; however, sufficient evidence does not exist to prove a violation is taking place. An example of such situation may be if a complaint is received stating that a private stormwater control has not been properly maintained; however, after a brief site inspection and/or verbal discussion, the City staff determines the stormwater control is within compliance and no enforcement action is required. In such situations the potential violation and response should be documented using the Enforcement Response Documentation Form (Attachment A) so that it can be referenced in the future, if necessary.

### **2.2 Level 2: Informal Response**

The City will pursue compliance to stormwater violations through informal methods whenever reasonable. Informal responses include telephone notification, verbal notice or meeting. These methods are appropriate for situations where education is needed, violations do not pose a significant threat to human health or the environment, or the City believes that compliance can be achieved without the use of formal measures. In addition, implementation of informal measures often establishes the documentation necessary to implement formal enforcement actions if informal measures do not result in compliance.

#### **i.) Telephone Notification/Verbal Notice**

A telephone notification or verbal notice will be used to obtain additional information pertaining to a potential violation or to resolve an infrequent violation. The initial contact will take place within 24 hours of determining a potential violation. At a minimum, the conversation shall be documented with the following information: date/time call placed, the City staff member who initiated contact, the person contacted (responsible party), and the content of the conversation.

#### **ii.) Meetings**

A meeting will be requested with the responsible party when necessary to implement clean up. The meeting will serve to educate the responsible party regarding the violation and to discuss measures which shall be taken to correct the violation. The meeting will be conducted by Storm Water Coordinator or Utility Maintenance Supervisor. At a minimum, the meeting shall be documented with the following information: meeting location, date/time of meeting, meeting attendees, content of the conversation, and agreements made at the meeting.

### **2.3 Level 3: Civil Enforcement**

As allowed by City Ordinance: Whenever the City of Helena finds that a person has violated a prohibition or failed to meet a requirement of the Helena Stormwater Control Chapter, the City of Helena may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses, and reporting;
2. The elimination of illegal connections or discharges;
3. That violating discharges, practices, or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
5. Payment of restitution for remediation costs;

6. The implementation of source control or treatment BMPs; and
7. The cessation of any construction or postconstruction work not permitted according to this chapter.

B. If abatement of a violation or restoration of affected property is required, the notice will set forth a deadline within which such remediation or restoration must be completed. Said notice will further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by the city and the expense thereof may be levied against the real property of the violator.

C. If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, then the department may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation or restore the property. The total cost thereof may be assessed against the real property of the violator in the same manner as a property tax. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the department or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 3120, 12-21-2009)

**i.) Administrative Order**

An administrative order is a formal enforcement document which requires the responsible party to either cease the specified activity or implement specified corrective measures. An administrative order will be issued when informal remedies have been pursued and have not resulted in compliance.

**ii.) Notice of Violation**

A NOV is an official communication from the City to the responsible party which informs the party that a violation has occurred. It will be issued for relatively minor or infrequent violations of the City's stormwater ordinances and requirements. It is a prompt response to violations and documents the initial attempts of the City to resolve the violation.

The NOV will include the following information: the specific violation, photos (if possible), timeframe and actions required to return to compliance, and a warning that further enforcement action may be taken for failure to comply.

NOV's shall be sent via certified mail/return receipt or hand delivered and signed by the responsible party within 10 working days after discovery of the violation.

**iii.) Stop Work Order**

A SWO is applicable to construction site stormwater management violations. It is a notice which informs the construction site operator that a stormwater management violation is ongoing and work is not allowed to continue until the matter is resolved. The SWO will be issued for failure to comply with a NOV or for significant violations of the City's construction site stormwater requirements that require immediate action. The SWO will include the following information: the specific violation, contact information for the City personnel who must be contacted to discuss required remediation procedures, the timeframe for which the City must be contacted to discuss the situation, and a warning which notifies the site operator that failure to comply will result in formal enforcement actions.

**iv.) Compliance Schedule**

A compliance schedule directs the responsible party to address the violation and restore compliance by a specified date. A compliance schedule will be issued when clean up does not occur within 10 business days of the date of the NOV. The schedule will include the following: the specific violation, noncompliance (document the City's previous attempts to achieve compliance), state required actions to be completed by the responsible party, and the dates by which the actions must be completed to return to compliance.

Note that issuance of a compliance schedule does not necessarily relieve the responsible party of having to meet any existing stormwater control commitments, nor protect the responsible party from having additional fines levied for other violations during the compliance schedule period.

**v.) Monetary Penalty**

As allowed by City Ordinance The originator of any hazardous material spill or introduction is responsible for the material, and shall pay all applicable investigation and cleanup costs, including the cost of equipment, materials, staff time with fringes, and consultant charges.

**2.4 Level 4: Violations and Criminal Enforcement**

As allowed by City Ordinance: Violations of this chapter may also subject the violator to a fine in any sum not to exceed five hundred dollars (\$500.00), or imprisonment in the county jail for a period not to exceed thirty (30) days, or both such fine and imprisonment. The department may recover all attorney fees, court costs, and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. (Ord. 3120, 12-21-2009)

**i.) Civil Penalties**

If necessary, a civil suit will be used to recover costs borne by the City in responding to the responsible party's noncompliance.

**ii.) Criminal Penalties**

Criminal prosecution is a formal process of charging the responsible party with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment.

**2.5 Additional Considerations**

The following criteria will be considered to aid in determining the correct level of response:

**i.) Magnitude**

A minor isolated instance of non-compliance will typically be considered non-significant and addressed with informal responses; however, isolated incidents which may cause damage to the MS4 or pose a threat to human health and/or the environment will be considered significant and necessitate a formal enforcement action.

**ii.) Duration**

Regardless of magnitude, violations which continue over prolonged periods of time will result in escalated enforcement actions.

**iii.) Compliance History**

The responsible party's compliance history will be an important factor in determining the appropriate remedy to apply. The City has the authority to issue informal notices for the less severe violation if the responsible party has a good compliance history; however, recurring violations may lead the City to escalate the level of response in a shorter time-frame than usual.

**iv.) Good Faith of the Operator**

Good Faith is a characteristic of actions which show that the responsible party is intending to achieve compliance in a timely manner. If the responsible party is attempting in good faith to correct the violation the City's enforcement responses may be less severe; however, potential threats to human health and the environment will always take precedence when considering whether or not to base the City's level of response on the good faith of the responsible party.

In addition, while the responsible party's good faith in correcting its noncompliance may be a factor in determining which enforcement response is suitable, good faith does not preclude the responsible party from enforcement action.

### **3. Notification of Spills**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or waters of the U.S. that person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials that person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the department in person or by phone, electronic mail, or facsimile no later than the next business day. Notification in person or by phone must be confirmed by written notice addressed and mailed to the department within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records must be retained for at least three (3) years.  
(Ord.3120, 12-21-2009)

### **4. Enforcement Roles and Responsibilities**

All significant violations and the responses shall be reported to the Storm Water Coordinator or Utility Maintenance Supervisor and the Public Works Director. The Public Works Director and City Attorney will be copied on all formal Enforcement Responses. The Public Works Director will consult with the City Attorney and City Administrator in Judicial Actions.

## **Glossary of Terms**

**Administrative Fine** - A monetary penalty assessed by the City to the responsible party for a violation of the City's stormwater management requirements.

**Administrative Order** - A formal enforcement document which requires the responsible party to either cease the specified activity or implement specified corrective measures.

**Compliance Schedule** - A schedule of required activities necessary for a responsible party to achieve compliance with specified stormwater program requirements.

**Consent Decree** - An agreement between the City and the responsible party reached after a lawsuit has been filed.

**Criminal Prosecution** - A formal process of charging the responsible party with violations of ordinance provisions that are punishable, upon conviction, by fines and/or imprisonment.

**Good Faith Effort** - A characteristic of actions which show that the responsible party is intending to achieve compliance in a timely manner.

**Injunctive Relief** - A court order which directs the responsible party to cease a specified action or behavior.

**Judicial Action** - An enforcement action that involves a court. (The action may either be civil or criminal in nature).

**Notice of Violation** - An official communication from the City to the responsible party which informs the party that a violation has occurred.

**Responsible Party** – The person or organization responsible for a violation.

**ATTACHMENT A  
ENFORCEMENT RESPONSE DOCUMENTATION FORM**

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City Personnel Involved \_\_\_\_\_ Date \_\_\_\_\_

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Description of Violation \_\_\_\_\_

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Location of Violation (address) \_\_\_\_\_

(   )   -

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Responsible Party \_\_\_\_\_ Telephone \_\_\_\_\_

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Street \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Description of Violation:

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Level of Response \_\_\_\_\_ Selected Remedy \_\_\_\_\_ Date for Follow-Up \_\_\_\_\_

Additional Notes:

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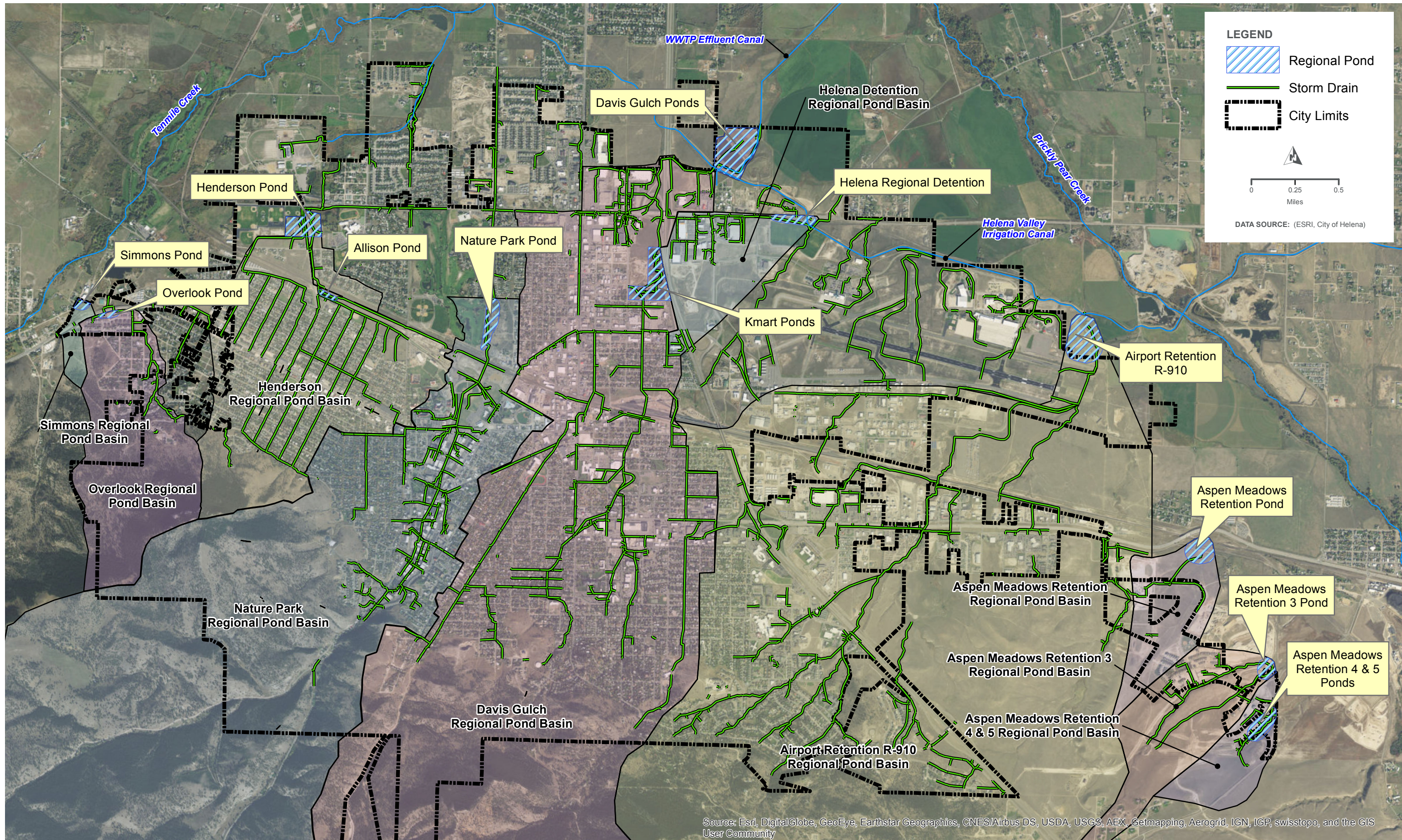


## Outfalls for the City of Helena

	Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location	Date Inspected
High Priority Outfalls	1	Westside	East Simmons Detention Pond	30 inch	Broadwater Ave and spring meadow	7/2017 10/2019
	2		West Simmons Detention Pond	12 inch	Broadwater and Motor Ave	7/2017 10/2019
	3		Henderson Retention Pond Complex	24 inch	Silsbee Ave and Mitchell near Fairgrounds	7/2017
				24 inch		7/2017
	4		Fairgrounds Detention Pond	16 inch	Fairgrounds east of Arena	7/2017
	5		North Stone Meadows Detention Pond	8 inch	Andesite Ave and crystal springs creek	7/2017 6/2020
	6		Central Stone Meadows Detention Pond	10 inch	Benton Ave and Flagstone Ave	7/2017 6/2020
	7		South Stone Meadows Detention Pond	8 Inch	Benton Ave south of Obsidian Ave	7/2017 6/2020
	8		Crystal Springs Detention Pond	Open Channel	Benton and Willowbrook	7/2017 6/2020
9	County Shop Detention Basin	Open Channel	E of N Benton and Willowbrook Drive	7/2017 9/2018 6/2020		
	10	Last Chance	Nature Park Retention Pond, and on-site detention/ret ponds	24 inch	McHugh Lane north of Golden Estates subdivision	9/2018
	11		Golden Estates Detention Pond	18 inch	Jade Street and Amethyst Ave (golden estates)	9/2018
	12		Skelton Detention 1, 2, 3, and 4	24 inch	North of Ptarmigan and Montana Ave	9/2018 6/2020
	13		Anderson BP Detention and open channel	Open Channel	S of Road Runner and Sand Piper	9/2018
	14	Davis	Target Retention Pond	36 inch	Jordan Drive behind Macy's	9/2018
	15		Davis Region Pond and Kmart Pond	48 inch	I-15 Regional Ponds	9/2018
	16	Bull Run West	Burnham Ranch Retention Pond			
	17		Helena Regional Detention and York and Custer Detention	55 inch	York Road north of Custer	9/2018

Outfall No.	Drainage Basin	Outfall BMP	Outfall Conveyance	Street Location	Date Inspected
18	Airport	Airport Detention 4, 5.1, and 5.2 and 1400ft of open channel	21 inch	Canyon Ferry Road east of Y-county	9/2018
19		Airport Retention R-13 and National Guard, Helena Aviation, Fire and D10 Detention	48 x 60 inch	Helena Valley Canal Crossing east of National Guard	9/2018
20		Airport Retention R-910 and Detention Pond 2	54 inch	Helena Valley Canal Crossing east end Airport	9/2018 11/2019
21	Bull Run Upstream of Airport	Walmart Detention 1 and 2	36 in	NW of Miller and Carter	9/2019
22		Staples Retention	18 in	NW of Miller and Carter	9/2019
23		Future Nichole St Pond	36 in	N of Nichole St and RR Tracks	9/2019
24		Open Channel	Open Channel	N of Dick Anderson Construction	9/2019
25		Hunters Point and Mountain West Bank Detention	Open Channel	N of I15, upstream of Synness Auto Salvage	9/2019 4/2020
26		Nob Hill Retention 1 and 2, and Nob Hill Detention 1, Grass swale along I15	24 in	NW of I15 and Mendocino Drive	4/2020
27	Far East	Nob Hill Detention 4	Open Channel	Colonial drive south of Nob Hill Lift station	4/2020
28		Aspen Meadows Detention	84 inch	Alice street East of Crossroads Pkwy	11/2019
29		Grass channel, small basin at culvert inlet	2-24 inch	Crossroads Pkwy and Prospect Ave (highway 12)	11/2019
30		West Aspen Meadows Retention	24 inch	Alice street East of Cascade Ave	11/2019
31		East Aspen Meadows Retention	42 inch	Twilight and Stillwater streets	11/2019
32		East Aspen Meadows Retention	12 inch	Runkle Pkwy between Still water and Alpine View	11/2019
33		Open Channel for 700ft	12 inch	Runkle Pkwy and Highway 282	11/2019
34		Aspen Meadows Detention North and South	36 inch	Highway 282 south of Runkle Parkway	11/2019

Note: All screening results have resulted in zero suspected illicit discharges.



**REGIONAL STORM WATER PONDS & TREATMENT BASINS MAP**

CITY OF HELENA, MT

FIGURE A.2












## MCM 6

### POLLUTION PREVENTION AND GOOD HOUSEKEEPING

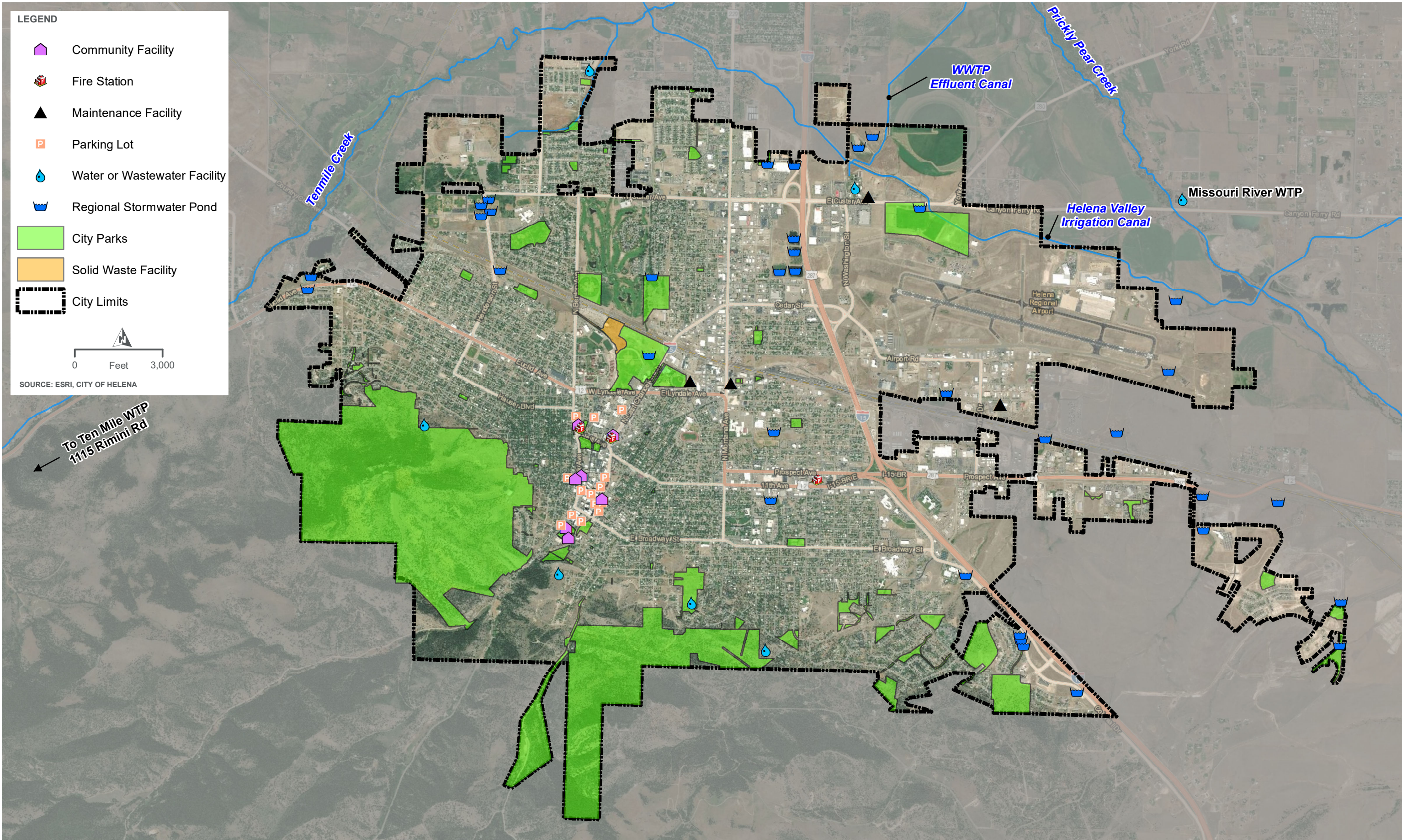


**LEGEND**

-  Community Facility
-  Fire Station
-  Maintenance Facility
-  Parking Lot
-  Water or Wastewater Facility
-  Regional Stormwater Pond
-  City Parks
-  Solid Waste Facility
-  City Limits

0 Feet 3,000

SOURCE: ESRI, CITY OF HELENA



↙ To Ten Mile WTP  
1115 Rimini Rd





**The City of Helena's Standard Operating Procedures (SOPs) are multipage documents that are not included with this annual report but are available upon request. Following is a summary of the SOPs on file at the City.**

**City Facility Standard Operating Procedures**

Vehicle Maintenance Facility

Wastewater Treatment Facility

Utility Maintenance Facility

Solid Waste Transfer Station Facility

**City Activity Standard Operating Procedures**

Landscaping

Shop and Fleet Services

Solid Waste Management

Utility Maintenance