



## ENGINEERING DEPARTMENT

August 19, 2022

Cammie Ashmore  
Stormwater Management Branch  
Water Division  
Alabama Department of Environmental Management (ADEM)  
1400 Coliseum Boulevard  
Montgomery, AL 36110-2400

Re: NPDES Permit ALS000007  
ADEM Audit Report dated 20 July 2022  
City of Mobile Response to Comments

Dear Mrs. Ashmore,

The City of Mobile (City) received the above-referenced audit report on 26 July 2022.

ADEM's Audit Report contained several comments or concerns that required a written response by the City within 30 days of receipt of the audit report. The City's response to those comments or concerns is provided in Attachment A, enclosed with this letter. Should you have any questions regarding the City's response, please contact Rosemary Ginn by phone at (251) 208-6072 or by email at [rosemary@cityofmobile.org](mailto:rosemary@cityofmobile.org).

As a point of clarification, ADEM's cover letter for the audit report stated that ADEM provided the audit report via email to Rosemary Ginn. As of the date of this letter, Ms. Ginn has not received a copy of ADEM's audit report via email.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nick', is written over a light blue horizontal line.

Nick Amberger, P.E.  
City Engineer

cc: Rosemary Ginn

## Attachment A

### ADEM Audit Report – City of Mobile Response to Comments

#### 1. Adequacy of Best Management Practices (BMPs) for Structural Controls, Catch Basins, and Litter Traps

**ADEM Comment:** *\*The Department requests going forward that any structural controls that become leased by the City require that the lessee and/or City be responsible for not only the operation and maintenance of the structural control but also require documented inspections of the structural control.*

**City Response:** On 3 May 2022, the City of Mobile (City) submitted a letter from the City's Attorney providing a legal opinion regarding the City's obligations associated with Leased Structural Controls (LSCs). Since the City's legal opinion has not changed, the City will not assume any additional obligations regarding LSCs. No further action is required to address this comment.

#### 7. Adequacy of the Pollution/Prevention/Good Housekeeping for Municipal Operations

**ADEM Comment:** *\* As part of the Audit, the Department reviewed bi-weekly inspection records for pollution prevention/good housekeeping of the City's Public Works Department. As noted during the Audit, the City needs to ensure that the typed version of a hand-written record is the same (meaning the 'action needed' column on the bi-weekly inspection checklist is the same on the hand-written record as what is on the typed version). In addition, the Department observed how the City conducts an inspection of the Public Works Department.*

**City Response:** The inspection records referenced were performed by a City employee that is no longer with the City and the inspections were performed over a year ago. As discussed during the Audit, the City provided an overview of how the inspection process has evolved to address this issue. Due to the City's improved inspection process that has been in place for over a year, no further action is required to address this comment.

#### 12. Comments on the 2020-2021 Annual Report (reporting period October 1, 2020 to September 30, 2021) submitted in January 2022:

- Storm Water Collection System Operations

**ADEM Comment:** *Structural Controls, is there a map depicting the 16 leased structural controls and the 58 detentions basins?*

**City Response:** Regarding LSCs, please see the City's above response. The City's SWMP Plan clearly states that a detention pond is not considered as a structural control as defined by the NPDES permit. The City will update its SWMP Plan to incorporate the legal opinion for LSCs and to remove the detention ponds.

**ADEM Comment:** *Litter Trap, is the data/information presented in Appendix A from Osprey Initiative LLC (Eslava Creek Litter Trap Inspection and Cleaning Summary Form -Osprey FY21) only documenting when the litter trap was cleaned? If so, are there records of when the inspections were conducted (110 inspections reported)?*

**City Response:** Information provided in Appendix A includes inspection information.

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- Public Involvement

**ADEM Comment:** *Recycling, are the summary forms for the recycling activities provided in Appendix B? Consider including quantities/totals of what was recycled in the text (body) of the Annual Report.*

**City Response:** The Recycle Activity Report included in Appendix B provides a summary of the recycling activities by location. The Summary Tables included in Section 3 of the report are intended to document the BMPs performed, and activities accomplished.

**ADEM Comment:** *Clean-Up Events, according to Appendix B in the table labeled 'MS4 Public Outreach and Events FY21' that there were five (5) clean up events during the reporting period. Consider including the number of clean-up events held and the quantities/totals of the litter collected in the text (body) of the Annual Report.*

**City Response:** The Summary Tables included in Section 3 of the report are intended to document the BMPs performed, and activities accomplished.

- Construction

**ADEM Comment:** *Inspections, do any of the qualifying construction sites listed in Appendix D of the Annual Report discharge directly to waters of the US? If so, how many and which qualifying construction sites discharge directly to waters of the US?*

**City Response:** The NPDES Permit does not require the City to track this information. No further action is required to address this comment.

- Pollution Prevention/Good Housekeeping

**ADEM Comment:** *Standard Operating Procedures, the Annual Report references SOP ES-0217 Storage and Disposal of Chemical Waste which states that copies are provided in Appendix I of the 2022 SWMPP. However, the SWMPP has the SOP labeled as SOP ES-2717 Storage and Disposal of Chemicals and Waste Materials. It appears that the Annual Report may have this SOP mislabeled. Also, the Annual Report references SOP PW-6818 Special Events which states that copies are provided in Appendix I of the 2022 SWMPP. However, a copy of the SOP in Appendix I of the 2022 SWMPP could not be found.*

**City Response:** SOP ES-2717 Storage and Disposal of Chemicals and Waste Materials was mislabeled in the Annual Report. SOP PW-6818 Special Events shall be included in the updated SWMP Plan.

#### 13. Comments on the 2022 Storm Water Management Program Plan (SWMPP) (submitted in March 2022):

- Known Problems, 303(d) Listed Streams

**ADEM Comment:** *The City identified four (4) waterbodies within the City that are on the 303(d) list: Toulmins Spring Branch, UT to Three Mile Creek, Halls Mill Creek, and Middle Fork Deer River. The City is monitoring three (3) out of the four (4) waterbodies listed (see Section 13 of the 2022 SWMPP), what is the rationale for not monitoring Middle Fork Deer River? Middle Fork Deer River has been on the 303(d) list since 2006 for organic enrichment (BOD) due to collection system failure and urban runoff/storm sewers. The City's MS4 permit requires that if the permittee's MS4*

## Attachment A

### ADEM Audit Report – City of Mobile Response to Comments

*discharges to a waterbody included on the latest 303(d) list, it must demonstrate the discharges, as controlled by the permittee, do not cause or contribute to the impairment.*

**City Response:** As discussed during the NPDES permit renewal negotiations, Middle Fork Deer River is located in a rural area of the City, and the City's MS4 does not discharge into Middle Fork Deer River. Since the City's MS4 does not discharge into Middle Fork Deer River, the City's MS4 does not cause or contribute to the impairment and is not required to perform monitoring.

- Approved TMDLs

**ADEM Comment:** *The City has identified eleven (11) EPA-Approved TMDLs for waterbodies within the City (see Section 13 of the 2022 SWMPP). The City's MS4 permit requires that if the permittee's MS4 discharges into a waterbody with an EPA approved TMDL, that the SWMPP must include BMPs targeted to meet the assumptions and requirements of the TMDL. A monitoring component to assess the effectiveness of the BMPs in achieving the TMDL requirements must also be included in the SWMPP. There are a couple of waterbodies that have EPA-Approved TMDLs but are not being monitored. What is the rationale for not monitoring Bayou Sara/Norton Creek (for OE/low DO -organic enrichment/ low dissolved oxygen) nor Dog River (for pathogens and OE/low DO)? In Table 3-1 of the pathogen TMDL for Rabbit Creek and Dog River includes MS4 Wasteload Allocation (WLA) reductions for Rabbit Creek (54% reduction) and Dog River (83% reduction). This TMDL states that SSOs and illicit discharges are unpermitted sources and not considered as part of the WLA.*

**City Response:** As discussed during the NPDES permit renewal negotiations, Bayou Sara / Norton Creek is located in a rural area of the City, and the City's MS4 does not discharge into Bayou Sara / Norton Creek. Since the City's MS4 does not discharge into Bayou Sara / Norton Creek, the City's MS4 does not cause or contribute to the impairment and is not required to perform monitoring. Additionally, the source of the impairment is attributed to the Saraland WWTP.

As discussed during the NPDES permit renewal negotiations, Dog River has several tributaries with similar TMDLs (i.e., Rabbit Creek, Bolton Branch, Eslava Creek, Moore Creek). Monitoring performed on the tributaries of Dog River is more effective in determining if the City's MS4 has adverse impacts on receiving waters. Additionally, Dog River is impacted by the backwater effects of Mobile Bay. It is the City's opinion that collecting samples in Dog River will not provide any valuable information that will benefit the City's MS4 program.

- Storm Water Collection System Operations

**ADEM Comment:** *Structural Controls, is there a map depicting the 16 leased structural controls and the 58 detentions basins?*

**City Response:** See the City's above response to #1.

- Construction

**ADEM Comment:** *Inspections (Section 6.9.1.), the 2022 SWMPP states that 'a construction site that discharges directly to waters of the United States is not covered by the City's MS4 Permit.' For clarification, is the City inspecting qualifying construction sites that*

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### ADEM Audit Report – City of Mobile Response to Comments

*discharge directly to waters of the US? If not, what is the rationale assuming the construction site is located physically within the City's MS4?*

**City Response:** The City performs inspections on all qualifying construction sites located within the City. If a construction site discharges into a water of the United States, those discharges do not enter the City's MS4 and are covered under ADEM's General Construction Permit. ADEM is responsible for compliance and enforcement of the Construction General Permit.

Water(s) of the United States is not considered part of the City's MS4. In accordance with Part V.AA.26 of the City's NPDES Permit, a "Municipal Separate Storm System" is defined at 40 CFR Part 122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined in ADEM Administrative Code 335-6-6-.02(nn)."

- Pollution Prevention/Good Housekeeping

**ADEM Comment:** *Standard Operating Procedures (Section 9.3), does not appear that SOP PW-6818 Special Events is included in Appendix I of the 2022 SWMPP as stated in Section 9.3. Standard Operating Procedures.*

**City Response:** SOP PW-6818 Special Events shall be included in Appendix I of the updated SWMP Plan.

**ADEM Comment:** *Municipal Facilities (Section 9.4), is there an inventory (i.e., a list) of all of the City's 211 facilities that the City maintains?*

**City Response:** An inventory of Municipal Facilities shall be included in Appendix I of the updated SWMP Plan.