

During our conversation regarding the opinion we requested, you asked for a more detailed explanation of the projects in question, and why we believe they are tied to the NPDES permitting. In our review of the scope of the Koopman subdivisions we were specifically discussing, we believe the condition of the pipes as they near the end of their useful life, is causing sediment, rust, debris and other pollutants as defined by the NPDES Phase II program, into surface waters. The maintenance that we propose to do would mitigate this problem.

We believe this to be an appropriate use of the Storm Water Funds because the Ohio Environmental Protection Agency (EPA) authorizes the discharge of storm water to surface water under the NPDES Permit Number OHQ000003 (NPDES) and this is the basis upon which the Butler County Storm Water District (the District) was formed.

Functionally, the District is governed by a Storm Water Management Plan (SWMP) which includes an inspection program to identify illicit discharges and then eliminate non-storm water discharges. Storm Water is defined as storm water runoff, snow melt runoff and surface runoff and drainage at 40CFR 122.26(b)(13) and illicit discharges are defined as any discharge that is not entirely composed of storm water at 40 CFR 122.26(b)(2). Our Inspection of one of the Koopman subdivisions has identified failing pipes as a source of illicit discharge under NPDES and we believe the District is required to eliminate this discharge. We believe the subdivision we inspected is typical of the other subdivisions under consideration, and the District is thus under an obligation to remove these pollutants by properly maintaining and/or repairing or replacing pipes, as needed, in these subdivisions.