



State of Ohio Environmental Protection Agency

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July 23, 2010

Kurt Simross
Licking County Engineers
20 South Second Street
Newark, OH 43055

Dear Mr. Simross:

46Q10011

This letter is written in follow-up to the submittal of your 2009 Annual Report Supplemental Document. I received this supplemental document report on May 1, 2010. Based on my review of this document, I am offering the following comments as they relate to compliance with your MS4 (Municipal Separate Storm Sewer System) Storm Water Permit.

MCM #1 (Public Education and Outreach):

- The performance standards associated with your MS4 Permit include a public education and outreach program, which must address more than one mechanism and target a minimum of five different storm water themes or messages over the permit term. At least one theme or message shall be targeted to the development community. The storm water public education and outreach program shall reach at least 50% of your population over the permit term. The annual report shall identify each mechanism used including each storm water theme; audience targeted and estimated number of people reached.
- Licking County has identified in the 2009 supplemental document information indicating full compliance with the requirements of this program. Please indicate in detail the outreach and educational program which addresses the performance standards stated above. Be specific with each mechanism and themes used and an estimate of the target audience reached..

Public Participation:

- Storm water public involvement/participation shall include at least five public involvement activities over the permit term.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

- Your annual report shall identify each public involvement/participation activity conducted including a brief description of activity and include an estimate of how many people participated. The MCM #2 action item addressed in the 2009 Annual Report Supplemental Document indicate that a storm water task force will meet quarterly to keep members apprised of the MS4 activities. Please describe in detail the participants associated with this storm water task force. A quarterly meeting of the co-permittees alone fails to meet the intentions of the minimum requirements of MCM #2.

MCM #3 (Illicit Discharge Detection and Elimination):

The first generation permit mandated the following action items in association with the Minimum Control Measure #3.

- An ordinance or some regulatory mechanism to be established to eliminate illicit discharges to the separate storm water systems.
- An outfall map completed for all outfalls discharged into a separate storm sewer system.
- An inventory or map depicting all Home Sewage Treatment Systems (HSTS) discharging to separate storms sewer systems including owner information.
- Protocols for detection and prioritization for eliminations should be established.
- Dry weather screening of outfalls discharging into separate storm water systems.

MCM #3 Action items depicted in Licking County's 2009 Annual Reports Supplemental Document:

Based on my review of the supplemental document, Licking County has failed to meet the minimum criteria set forth in the first General Permit for MCM #3. The 2010 report has outlined an action list to ensure compliance with the second generation storm water MS4 permit. The following items were listed in the 2010 annual report and in follow-up providing comment.

- Licking County has indicated that they will take initiative to map the storm water system and conduct dry weather screening over a period of three years. Ohio EPA finds the three year timeline unacceptable. It is strongly recommended that a revised timeframe is submitted addressing the conditions of the first generation permit which addresses the identification of MS4 outfalls to waters of the state. The second generation permit requires the complete mapping of the MS4's in addition to the completion of the dry weather screen for all MS4 outfalls.

- A map of all current home sewage treatment systems will be provided toward the latter part of 2010. The timeframe for this action item is acceptable.

Legal Authority:

The 2009 report fails to address the legal authority required to eliminate illicit discharges to the MS4 system. Please respond with timeframes you feel necessary to implement legal authority to eliminate illicit discharges to the MS4's. This would include illicit discharges other than home sewage treatment systems. In addition, a prioritization for elimination of the home sewage treatment system must be inclusive in your annual report.

MCM #4 and #5 (Construction and Post Construction):

- The requirements associated with the MS4 Discharge Permit mandate an ordinance or other regulator mechanism be developed to address construction and post-construction measures located within the MS4 communities. This would include the legal mechanisms to ensure the review and approval, the inspections, and the enforcement of all construction activities within the jurisdiction of the MS4.
- Licking County and the co-permittees have failed to establish any mechanisms of legal authority, which is a direct violation of the first generation storm water permit. I have reviewed the schedule of implementation for the legal mechanisms associated with this MCM #4 and #5 and find the implementation of an ordinance enacted by the end of 2010 to be acceptable.
- Please describe in detail who the responsible parties will be within the various jurisdictions for MCM #4 and #5. The future audit will review in detail the inspections and enforcement protocols to ensure the intent of this minimum control measure is met. Expectations for inspections of all active construction sites are at a minimum of once monthly.
- If Licking County will be the lead authority for enforcement amongst the various jurisdictions, please describe in detail how those protocols are to unfold.

MCM #6 (Pollution Prevention and Good Housekeeping for Municipal Operations):

- Please describe in detail how Licking County and the co-permittees have individually addressed MCM #6 over the implementation period of the MS4 program.

- Please ensure the Storm Water Pollution Prevention Plans are developed and describe in detail the locations and methods of BMP implantation for the various municipal operations covered under the MS4 permit. At minimum, a detailed list of all municipal operations must be identified and training provided to ensure minimal impacts to waters of the state.

Licking County and the co-permittees covered under the MS4 permit have failed to meet the minimum criteria of the first and second generation permit. As a result there are *considerations for escalated enforcement associated with the failure to non-comply with the permit terms and conditions.* In addition, I will be conducting a full MS4 audit evaluation with Licking County and all co-permittees during the month of August 2010. Please have all annual reports available for review, in addition, please expect review and inspections of good housekeeping practices of various municipal operations as well as reviews of construction sites located within the various jurisdictions.

If you have any questions regarding this letter, please do not hesitate to contact me at our Central District Office at (614) 728-3844 or to my email at harry.kallipolitis@epa.state.oh.us.

Sincerely,



Harry Kallipolitis
Storm Water Coordinator
Division of Surface Water
Central District Office

- c: Jeff Bohne Water Quality Supervisor, DSW/CDO
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