



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 12, 2011

RE: LAKE COUNTY
INDUSTRIAL STORM WATER
PERMIT #3GRM00004*AG
CHAGRIN LAGOONS YACHT CLUB

NOTICE OF VIOLATION

Ms. Lynn Bernard, Manager
Chagrin Lagoons Yacht Club
35111 Lagoons Drive
Eastlake, OH 44095

Dear Ms. Bernard:

On July 6, 2011 this writer conducted an inspection of your facility, located at 35111 Halsey Drive, to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Marinas #OHRM00001 referenced above. Dan Bogoevski of the Ohio EPA Division of Surface Water was also present at this inspection. Along with our observations from the inspection I have provided comments concerning your permit below:

General Observations:

1. General boat maintenance is either conducted off-site or performed on-site by members. Although it was improperly labeled "waste oil", a used oil tank is provided near the garage to dispose of used oil. We did not observe a tray where used oil filters can be drained before disposal.
2. Members can paint their own boats or can hire a third party contractor to come in and sandblast or paint them on premises. Sandblasting occurs in a designated area of the site near the garage. Painting occurs throughout the premises.
3. Primary boat washing occurs at the boat lift, using only a pressure washer and water. No surfactants, detergents or marine growth removal agents are used in the process. Only members trained in boat lift operation are authorized to conduct boat washing activities. Additional boat washing by members occurs throughout the premises, including the fuel station. The use of detergents is prohibited in these locations as well.
4. There is a retail fuel station that can be used by the general boating public as well as members. Pumps are equipped with automatic shut-off nozzles. Emergency shut-off valves were labeled and easily identified. Spill kits were located in the attendant's office.
5. An additional gasoline tank for the travel lift station is located near the boat lift. The gasoline tank did not have secondary containment.

6. Solid waste dumpsters are found in several locations of the premises. Dumpsters were in good condition and lids were closed on all dumpsters that were not actively being used at the time of inspection.
7. A container for used fryer oil is also stored by the garage. The container was lidded and there was no evidence of any leaks or spills on the ground.
8. The marina appears to have a total boat capacity, i.e., wet and dry storage, of less than 200 boats.

Permit Violations:

The following permit violations were noted:

1. **Failure to develop a Storm Water Pollution Prevention Plan (SWPPP).** This is a violation of Part IV.A.1 of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The club manager was unaware of the SWPPP and could not locate a copy on premises. A copy of the SWPPP must be kept on-site at all times and made available to Ohio EPA upon request. The SWPPP was to be developed and implemented within 12 months of permit coverage, i.e., no later than January 28, 2009.
2. **Failure to conduct quarterly visual monitoring of storm water discharges.** This is a violation of Part V.A of the NPDES permit and ORC 6111.04 and 6111.07. Quarterly visual examination of storm water discharges from outfalls associated with industrial activity shall be performed and documented, except when the site is inactive and unstaffed and there are no industrial materials or activities exposed to storm water. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of storm water pollution. Chagrin Lagoons Yacht Club could not produce quarterly monitoring records when requested. Quarterly visual monitoring was to be initiated within 15 months of the date of permit coverage, i.e., no later than April 28, 2009.
3. **Failure to conduct routine facility inspections monthly to assess how well BMPs are operating.** This is a violation of Part IV.B.10 of the NPDES permit and ORC 6111.04 and 6111.07. Inspections shall include the boat washing area; blasting, sanding and painting areas; material handling areas; drydock areas and general yard areas. Inspection records are to be maintained and incorporated into the SWPPP.
4. **Failure to conduct a comprehensive site compliance evaluation once per year to assess the industrial activities at the marina contributing to storm water discharges.** This is a violation of Part IV.D of the NPDES permit and ORC 6111.04 and 6111.07. Records of the comprehensive site compliance evaluation could not be produced upon request. These records are to be kept at the marina at least 3 years from the date permit coverage expires or is terminated. Compliance evaluation reports are to be signed in accordance with Part VIX.G of the NPDES permit.

5. **Failure to keep training records with the SWPPP.** This is a violation of Part IV.B.11 of the NPDES permit and ORC 6111.04 and 6111.07. The SWPPP shall establish a schedule for training and training records shall be kept with the SWPPP. The club manager could not produce training records when requested.

Action Items:

1. Develop and implement an SWPPP for your facility. The SWPPP must contain a site map showing the following:
 - a. Outline of drainage areas for each storm water outfall.
 - b. Structural measures to reduce pollutants in storm water runoff (e.g. filter cloth barrier, vegetated buffer, etc.)
 - c. Location and name(s) of all surface waters of the state that receive discharges from the site.
 - d. Locations of all storm water conveyances including ditches, pipes, and swales.
 - e. Locations of all non-storm water discharges.
 - f. Locations where any of the following activities are exposed to precipitation: fueling, engine maintenance and repair, boat washing, painting, sanding and/or blasting, welding and/or metal fabrication, loading/unloading areas, locations for storage of wastes, liquid storage areas (e.g. paint, solvents, etc.), and material storage area (e.g. blasting media, etc.).

A template to help you develop the SWPPP is available on our website at http://www.epa.ohio.gov/dsw/permits/GP_Marinas.aspx. Additional information can be obtained from the Ohio Department of Natural Resources Clean Marina Program at <http://www.ohioseagrant.osu.edu/cleanmarinas/>. Submit a copy of the signed SWPPP with your response to this letter.

2. Begin conducting quarterly visual monitoring of storm water discharges from outfalls associated with industrial activity and keep records of your observations with the SWPPP. If not previously started, quarterly visual observations should begin with the current quarter (July – September 2011). Samples should be taken from a storm event that produces 0.1-inch or greater precipitation that occurs at least 72 hours from the previous rain event that produced 0.1-inch or greater precipitation.
3. Begin conducting routine facility inspections on a monthly basis. If not already started, inspections should start in August 2011 to verify that the BMPs included in the SWPPP have been implemented.
4. Conduct a comprehensive site compliance evaluation by December 31, 2011.

5. The tank containing used oil was labeled "Waste Oil". This tank must be label "Used Oil".
6. You will need to establish locations for the collection of storm water samples for the quarterly visual monitoring. Samples are only to be taken from discharges associated with industrial activity. Several areas that require sampling currently discharge runoff as sheet flow: the garage/blasting area and retail fuel station. See enclosed guidance on how to establish sample points.

Recommended BMPs for the SWPPP:

Please read the NPDES permit issued to you on January 28, 2008. It provides a description of the best management practices (BMPs) that you must include in the SWPPP and adopt at your facility. We noted that many of these BMPs are being implemented by the Chagrin Lagoons Yacht Club. However, we offer this list of additional BMPs you may wish to consider:

1. The club should distribute brochures, post signs, add clauses to membership contracts, or implement other methods of boater education to provide guidance on proper storm water pollution prevention practices and reinforce training. The Ohio Clean Marina Program often provides educational materials for your use. Adherence to the SWPPP should be a required clause in the membership contract.
2. Oil filters are to be drained before being disposed in dumpsters. If members will continue to change their own oil filters on premises, a drain tray and collection drum should be provided. The tray and collection drum should either be located inside the garage or under a roofed or otherwise covered area.
3. The SWPPP should include procedures for assessing water that collects within the containment dike of the Used Oil tank before it is drained. If a sheen is observed, absorbent pads should be used to remove the sheen before water is released.
4. Painting should occur only within designated areas away from storm drains or waterways. Painting on-premises should be limited to brush or roller applications. Spray applications should be avoided as this may require additional permits or paint booths to be established.
5. Third party service providers that perform on-site maintenance are to be held to the same BMP requirements as members. The club may wish to establish an approved list of third party service providers that pledge to adhere to the SWPPP. The club should maintain a document acknowledging the SWPPP signed by each approved contractor (see enclosed example).
6. Spill kits should be provided at the garage and near the gasoline storage tank for the travel lift station. They should be clearly identified and members and staff should be trained on the proper use of spill response materials.

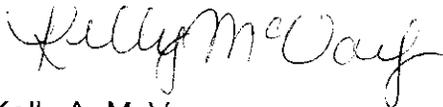
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7. As a members-only yacht club, member meetings are an ideal time to provide training. Training records can easily be generated by adding copies of meeting minutes to the SWPPP that indicate the storm water pollution prevention topic(s) covered at the meeting and a record of those in attendance.
8. The club manager should be a member of the Pollution Prevention Team.

You are directed to send a copy of your completed and signed SWPPP to our office **no later than August 15, 2011**. If you wish to dispute any of the observations or violations noted above, please provide me with a letter of response no later than this same date.

If you should have any questions concerning this letter, feel free to contact this writer at (330) 963-1125 or by email at kelly.mcvay@epa.ohio.gov. You may also contact Dan Bogoevski at (330) 963-1145 or by email at dan.bogoevski@epa.ohio.gov.

Sincerely,



Kelly A. McVay
Assistant to the District Engineer
Division of Surface Water

KAM/mt

ec: Jason Fyffe, Ohio EPA, CO, DSW



Figure 1: General trash dumpster. These should be kept with their lids shut to avoid storm water collection and formation of leachate.

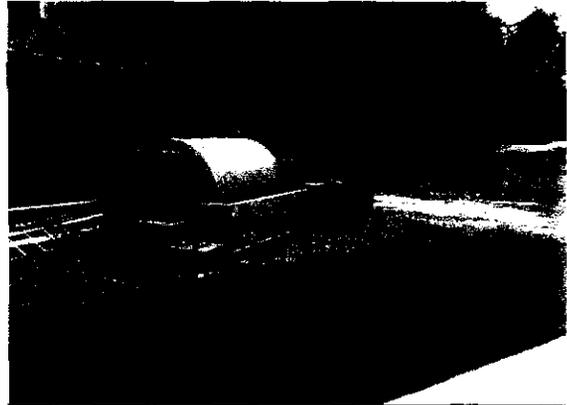


Figure 2: Used oil tank with a dumpster containing kitchen greases behind it.