

**Environmental
Protection Agency**

Governor
Lt. Governor
Director

August 2, 2011

RE: EAST 55TH STREET MARINA
3GRM00010*AG
STORMWATER
CUYAHOGA

Mr. Scott Fletcher
ODNR PR Division of Parks & Recreation
2045 Morse Road, C-3
Columbus, OH 43229

Dear Mr. Fletcher:

On July 26, 2011, this writer conducted an inspection of your facility, located at 5555 N Marginal Road, Cleveland, to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Marinas #OHRM00001 referenced above. Linda Burlingham, of Poseidon Investment Group, LLC accompanied me on this inspection. Along with my observations from the inspection I have provided comments concerning your permit below:

General Observations:

1. East 55th Street Marina has a fuel station and a pump out station, which are both open to the public. The pump out station is connected to sanitary sewer and these facilities are run by Linda Burlingham, of Poseidon Investment Group, LLC.
2. I was told that the rest of the facility, including dock and parking lot maintenance, is taken care of by ODNR.
3. It appeared that no maintenance, painting, or boat cleaning was done by the marina. Rather, each boat owner conducts these activities themselves and most either contract with a third party service provider for on-site repair or take the boat off-site to boat repair facilities. Please be aware that if this is the case, East 55th Street Marina would not actually be required to have a NPDES permit at this time. NPDES permit coverage is required for marinas that conduct boat maintenance activities, boat cleaning or incidental boat repair. Boat maintenance activities include boat rehabilitation, mechanical repairs, painting, lubrication and equipment cleaning. If none of these activities are carried out by the marina, NPDES permit coverage can be terminated by submitting a Notice of Termination (NOT) to Ohio EPA. A copy of this form and instructions are available on-line at:

www.epa.ohio.gov/dsw/storm/stormform.aspx

4. The facility has done a satisfactory job of implementing storm water best management practices (BMPs) as required by the NPDES permit. We would encourage you to maintain these practices even if it is determined that an NPDES permit is not required for your facility.

Permit Violations:

If you believe the above mentioned activities are conducted by your marina and you must keep the NPDES permit, the following permit violations need to be corrected:

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. 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. 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; dry-dock 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. 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 conduct annual analytical monitoring.** Because your facility has a total capacity, wet and dry, of over 200 boats, you are subject to analytical monitoring as stated in Part IV.B.12.b of the NPDES permit. Records and results from these tests should be kept with the SWPPP and used to assess the success of your current BMPs.

6. **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.

Action Items:

If deemed you need to keep the NPDES permit:

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, popes, 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.

MR. SCOTT FLETCHER
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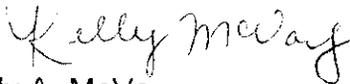
4. Conduct a comprehensive site compliance evaluation by December 31, 2011 and begin annual analytical monitoring.
5. You will need to establish locations for the collection of storm water samples for the quarterly visual monitoring. Samples are only to be taken from discharges associated with industrial activity.
6. As described in Part I.B of the NPDES permit, the permit is applicable to **operators** of the marina. In this case, the applicant name listed on the permit should be Poseidon Investment Group, LLC, instead of ODNR PR Division of Parks & Recreation. Furthermore, the address listed with the current permit information is incorrect. The listed address is 8701 Lakeshore Boulevard. The address should be 5555 N Marginal Road, as that is where the marina itself is physically located. Both of these changes can be made by filing a NPDES Permit Transfer application form requesting that the permit be transferred from ODNR to the operator and stating the actual address which should be listed. This form and application instructions can be found at:

<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>

You are directed to send a copy of your completed and signed SWPPP or a copy of the completed NOT form to our office **no later than August 31, 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 e-mail at kelly.mcvay@epa.ohio.gov. Should you have further questions after August 12, 2011, please contact Dan Bogoevski, also of the Division of Surface Water, at (330) 963-1145 or by e-mail at dan.bogoevski@epa.ohio.gov.

Sincerely,



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

KM:bo

pc: Linda Burlingham, Poseidon Investment Group, LLC

ec: Dan Bogoevski, Ohio EPA, NEDO, DSW