

**Environmental
Protection Agency**

Governor
Lt. Governor
Director

July 28, 2011

RE: FOREST CITY YACHT CLUB
3GRM00014*AG
STORMWATER
CUYAHOGA

Mr. Robert Horvath
Forest City Yacht Club
5301 N Marginal Road
Cleveland, OH 44114

Dear Mr. Horvath:

On July 27, 2011 this writer conducted an inspection of your facility, located at 5301 N Marginal Road, to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Marinas #OHRM00001 referenced above. Gary Jones was present when I arrived for the inspection and was able to provide me with some information regarding the operations at your facility. Along with my observations from the inspection I have provided comments concerning your permit below:

General Observations:

1. Members at Forest City Yacht Club hire third party contractors to do any maintenance work on their boats. All maintenance activities are taken care of by individual owners.
2. The Club has a gas station which is open to the public. At the time of inspection an emergency shut off valve or button could not be found. The emergency shut off control should be clearly labeled with signage so that anyone using the gas pump, member or nonmember, can locate it should a problem occur.
3. The Club has a pump out station which can be used by the public. It is connected to sanitary sewer.
4. I was told that the facility has two tanks for used oil and that only one of these tanks is used. Spill kits should be located near these tanks so that proper measures can be taken immediately should a spill occur.

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. 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 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:

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.

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- 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. 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. 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 Forest City Yacht Club. However, we offer this list of additional BMPs you may wish to consider:

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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. 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).
3. Spill kits should be provided near the used oil tanks. They should be clearly identified and members and staff should be trained on the proper use of spill response materials.
4. 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.

You are directed to send a copy of your completed and signed SWPPP 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 email 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 email at dan.bogoevski@epa.ohio.gov.

Sincerely,



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

KAM/mt