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CUYAHOGA

OLMSTED FALLS

CITY OF OLMSTED FALLS

3GQ00074 2010/01/08

BOGOEVSKI,
DANIEL

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State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

January 8, 2010

RE: CUYAHOGA COUNTY
ROCKY RIVER WATERSHED
CITY OF OLMSTED FALLS
NOTIFICATION OF MUNICIPAL STORM
WATER PROGRAM INSPECTION

NOTICE OF VIOLATION

Mr. Robert Blomquist
Mayor and Storm Water Program Coordinator
City of Olmsted Falls
26100 Bagley Road
Olmsted Falls, OH 44138

Dear Mr. Blomquist:

On February 4, 2009, and August 10, 2009, Ohio EPA notified the City of Olmsted Falls of the requirement to renew municipal storm water permit coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #OHQ000002. To date Ohio EPA has not received a Notice of Intent (NOI) to renew NPDES permit coverage. As such, **the City of Olmsted Falls remains in violation of Ohio Revised Code (ORC) 6111.04 and Ohio Administrative Code (OAC) 3745-39-03 for failure to renew NPDES permit coverage** for discharges from the community's MS4.

In addition, our records do not indicate that the City has submitted its Annual Report for 2008. This report was due on April 3, 2009. **Failure to submit an Annual Report is a violation of Section 4.3 of the Ohio EPA General Storm Water NPDES Permit for Small MS4s #3GQ000074*AG and ORC 6111.04 and 6111.07.**

Further, on July 21, 2009, Ohio EPA notified you that the City has yet to provide Ohio EPA with copies of certain required ordinances of the municipal storm water program. In particular, the letter indicates that the City has not verified passage of ordinances which prohibit illicit discharges to the MS4, establish requirements for construction site runoff control and post-construction storm water quality best management practices. To date, the City has not provided Ohio EPA with a response to this letter.

As a result of these instances of non-compliance, Ohio EPA will be conducting an inspection of your community's Storm Water Management Program (SWMP). This inspection is being conducted to determine compliance with NPDES program requirements for small MS4s.

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Our inspection will focus on compliance with minimum control measure #6: Pollution Prevention and Good Housekeeping for Municipal Operations, however we will also ask you to verify that the community has instituted ordinances and other required elements of the MS4 program. We will be using the audit guidance manual developed by the United States Environmental Protection Agency. We anticipate that the inspection can be conducted in one day. I have set aside the dates of January 21, 2010, and January 26, 2010, as possible dates to conduct the inspection. **Please contact me upon receipt of this letter to let me know which of these dates will work best for you.** I am flexible to pick other dates if they will work better for you.

To streamline the inspection, please have the following resources ready and available on the date of the inspection.

- A copy of your Annual Report for 2008 which was due on April 3, 2009;
- Map of the MS4 system or outfalls and addresses of home sewage treatment systems (HSTs) that discharge to the MS4;
- A copy of the City's ordinances to address illicit discharges to the MS4, establish construction site runoff controls and post-construction water quality best management practices;
- An inventory of municipal facilities and operations, i.e., composting yards, vehicle maintenance facilities, bus terminals, impound lots and waste transfer stations, if applicable, and the storm water pollution prevention plan (SWP3) developed for these facilities;
- Contracts with any third party service providers that assist you in implementing your pollution prevention and good housekeeping programs;
- Guidance documents or BMP manuals used for your pollution prevention and good housekeeping program;
- Training records, i.e., the agenda and attendance record of any training your staff has attended regarding pollution prevention for municipal operations;
- List of active municipal construction projects, e.g., road projects;
- The checklist used to inspect your municipal maintenance facility;
- Street sweeping records, if performed;
- Deicer application records, including a description of the materials used for deicing operations;
- Inventory of flood management structures in your community which you maintain;
- Inventory of post-construction storm water quality BMPs installed in your community since April 21, 2003; and
- Fertilizer and pesticide application plan.

The inspection will consist of an interview followed by field inspections of your municipal maintenance facility (or facilities, as appropriate), including facilities where vehicle maintenance, composting activities, vehicle impoundment and waste management

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activities occur. We will also review any municipal facilities where storm water associated with industrial activities is discharged. Please have the appropriate persons available to answer the interview questions and questions that arise during field inspections. I anticipate the interview will take 2.5 hours to complete and will leave it to your discretion to schedule the field inspections. It should take no more than 2 hours to inspect each facility.

I look forward to working with you to perform the inspection. Please contact me to confirm the inspection date or to schedule a new date if necessary.

Please be aware that violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation. It is my hope that we can work to bring the City of Olmsted Falls into compliance with ORC 6111 and OAC 3745-39 to avoid escalated enforcement.

If you have any questions, please contact me at (330) 963-1145 or via e-mail at dan.bogoevski@epa.ohio.gov.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Stan Wares, Service Director, City of Olmsted Falls
Michael Benza, Engineer, City of Olmsted Falls
Mark Mann, Storm Water and Enforcement Programs Manager, DSW, CO