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GEAUGA

CHESTER TOWNSHIP CHESTER TOWNSHIP

3GQ00075 2009/06/23

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

June 22, 2009

RE: GEAUGA COUNTY
CHAGRIN RIVER WATERSHED
CHESTER TWP.
MUNICIPAL STORM WATER PROGRAM
AUDIT FINDINGS

Mr. Meiring Borchers
Storm Water Program Coordinator
Chester Township
12101 Chillicothe Road
Chesterland, OH 44026

Dear Mr. Borchers:

Ohio EPA has completed an audit for a portion of your municipal storm water program. Our audit primarily focused on implementation of minimum control measure (MCM) #6: Pollution Prevention and Good Housekeeping for Municipal Operations. This program is a requirement of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewers Systems (MS4s) 3GQ00075*AG and Ohio Administrative Code 3745-39.

On June 2, 2009, Ohio EPA met with you and other representatives of Chester Township to determine compliance with the NPDES permit and the Storm Water Management Plan (SWMP) submitted by the Township in March 2003. In performing this audit, Ohio EPA implemented the Municipal Storm Water Program Evaluation Guide developed by the United States Environmental Protection Agency.

Attached are the Municipal Storm Water Program Evaluation and Field Inspection Worksheet(s) completed for your community. Please review these documents in detail to determine specific elements where your pollution prevention and good housekeeping program needs improvement. In addition, you will find comments suggesting ways to improve your MS4 program and notations about new requirements for this program that must be implemented within the next 2 to 5 years.

The following is a summary of our audit findings which require your immediate attention:

Violations

- **Failure to properly dispose of street sweepings.** This is a violation of Part III.B.6.d.iii.3 of the Ohio EPA General Storm Water NPDES Permit for Small MS4s #OHQ000002 and is open dumping under Ohio Revised Code 3734.03 and Ohio Administrative Code 3745-27-05(C). The township has been mixing

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street sweepings with road salt and applying them to roadways for deicing and traction improvement. Please note that this practice must stop and sweepings must be disposed of as solid waste.

- **Failure to obtain written acceptance of obligations when another entity shares or takes over implementation of a minimum measure.** This is a violation of Part III.C.3 of the NPDES permit. This violation was noted in several instances during this audit, including road kill disposal, impound lot services and pesticide/herbicide application. The Township relies on a private contractor to carry out these operations on behalf of the Township, yet there is no formal contract or agreement with some of these parties. Please note that Chester Township must demonstrate that these third party service providers are implementing storm water best management practices when providing these services for the Township. This can be demonstrated by including language in requests for proposals (RFPs) or in contracts and periodically inspecting their facilities to assure practices are implemented.

Deficiencies

- The structure and lines of responsibility for the long-term maintenance program for post-construction best management practices (BMPs) is unclear. Please clarify the schedule for BMP inspection and the duties and responsibilities of the Township, Soil and Water Conservation District and the County.
- The Township has not provided any storm water pollution prevention guidance materials to field staff that they can take out with them in the field. By making materials available to staff at the field level, implementation of storm water BMPs should improve.
- The Township does not conduct a regular inspection of storm water BMPs at its maintenance facility. Please be aware that an inspection must be conducted at least once per year during the next permit cycle once a Storm Water Pollution Prevention Plan (SWP3) is developed for the maintenance facility. The SWP3 must be developed within 2 years.

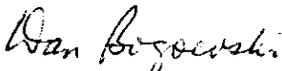
Please review my comments, including those in the attached worksheets, and provide me with a letter of response indicating the actions you will take to address my concerns. **Your response should be received no later than July 24, 2009.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2009 will be due on April 1, 2010.

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Finally, it is our understanding that Chester Township has renewed MS4 permit coverage as a co-permittee of Geauga County. As a courtesy, a copy of this report is being provided to Geauga County as it is not clear at this time which program elements will become the responsibility of the County and which ones will remain with the Township. Please clarify the framework and structure that will be implemented moving forward, identifying the appropriate department or agency which will be primarily responsible for each of the six MCMs.

If you have any questions, please contact me at (330) 963-1145 or at dan.bogoevski@epa.state.oh.us.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Trustees, Chester Twp.
Rachel Webb, Chagrin River Watershed Partners
Carmella Shale, Geauga SWCD
Robert Philips, Engineer, Geauga County