



\*3GQ0004020110628\*

LORAIN

AMHERST

CITY OF AMHERST

3GQ00040 2011/06/28

BOGOEVSKI,  
DANIEL

This document has been removed. imaged and is now stored electronically.



Environmental  
Protection Agency

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

June 28, 2011

RE: Lorain County  
City of Amherst  
Municipal Storm Water Program  
Illicit Discharge Detection & Elimination

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. David Taylor, Mayor  
City of Amherst  
206 S. Main St.  
Amherst, OH 44001

Dear Mayor Taylor:

It has recently come to my attention that the City of Amherst has failed to enact an ordinance or other regulatory mechanism to prohibit illicit discharges to the municipal separate storm sewer system (MS4). Prohibition of illicit discharges is a condition of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small MS4s #3GQ00040\*BG. The City of Amherst was required to enact this ordinance by March 24, 2008, i.e., by the fifth anniversary of NPDES permit coverage. Information contained in the Annual Report for 2010 and a review of the City's codified ordinances at <http://www.conwaygreene.com/municipalCodes.htm> indicates that the City has not yet enacted the required ordinance.

This letter will serve as notice that the City of Amherst is in violation of Part III.B.3.d of NPDES permit #3GQ00040\*BG for **failure to enact an illicit discharge ordinance**. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$25,000 per day of violation. The City will remain in violation until an illicit discharge ordinance is enacted. A model illicit discharge ordinance is available for download from the Chagrin River Watershed Partners at [http://www.crwp.org/phase\\_2\\_implementation/mcm\\_3\\_idde.htm](http://www.crwp.org/phase_2_implementation/mcm_3_idde.htm). You may also want to review the illicit discharge ordinances passed by other communities in your area, e.g., City of Lorain Chapter 1535 or City of Avon Lake Chapter 1061.

Further, please be aware that three important deadlines associated with your municipal storm program have recently passed. The NPDES permit required the following activities to be completed within 2 years of permit renewal, i.e., **by June 4, 2011**:

- Update your construction site runoff control ordinance (Chapter 916) to meet or exceed the requirements of the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 (permit available on-line at [www.epa.gov/dsw/storm/stormform.aspx](http://www.epa.gov/dsw/storm/stormform.aspx)).

Mr. David Taylor  
City of Amherst  
June 28, 2011  
Page 2

- Update your post-construction water quality ordinance (also in Chapter 916) to meet or exceed the requirements of the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003.
- Develop and implement a Storm Water Pollution Prevention Plan (SWP3) for municipal operations not otherwise subject to industrial storm water permitting. These facilities include, but are not limited to, the municipal maintenance facility, composting operations, and the following facilities if any equipment cleaning or vehicle maintenance is conducted: impound lots, solid waste transfer stations, bus terminals and vehicle maintenance garages. Municipal operations subject to industrial storm water permitting should already have their own NPDES permits and SWP3s as required by those permits. These facilities include, but are not limited to: landfills, airports, marinas, shipping ports, steam electric power plants and wastewater treatment plants designed to discharge  $\geq 1$  MGD or with a pretreatment program.

Please review your compliance with these requirements and take action as needed to ensure that your program is in compliance. Ohio EPA is actively auditing MS4 programs and it is my hope that we can resolve compliance issues without taking more formal enforcement action that may occur as a result of an audit.

Please provide me with a letter of response indicating the actions you will take to correct violations, including a timeframe for completing corrective action. Please indicate your progress on meeting the June 4, 2011, deadline to update ordinances and develop SWP3s for municipal operations. Your response should be received **no later than July 12, 2011**.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/mt

cc: Ron Merthe, Superintendent of Utilities and Storm Water Program Coordinator  
Clarence Watkins, Engineer, City of Amherst

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVID TAYLOR, MAYOR  
 CITY OF AMHERST  
 206 S MAIN ST  
 AMHERST OH 44001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee  
 X *Jami Anderson*

B. Received by (Printed Name) C. Date of Delivery  
*Jami Anderson* 6/29/11

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7010 1670 0001 8461 1661 (BOGOEVSKI 6/28/11)  
 (Transfer from service label)

**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Postage &amp; Fees</b>	<b>\$</b>	

Sent To

Street, Apt. No.,  
 or PO Box No.

City, State, ZIP+4

PS Form 3811, August 2006 See Reverse for Instructions

7010 1670 0001 8461 1661