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COMMISSIONERS & OTHERS

3GQ00002 2009/07/21

MOODY,
CHRISTOPHER

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State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

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

July 21, 2009

RE: TRUMBULL COUNTY
MAHONING RIVER BASIN
CITY OF GIRARD
MS4 PROGRAM

NOTICE OF VIOLATION

Mr. James J. Melfi, Mayor
100 West Main Street
Girard, Ohio 44420

Dear Mayor Melfi:

Ohio EPA records indicate that the City of Girard is covered under the Small Municipal Separate Storm Sewer Systems to Discharge Storm Water Under the National Pollutant Discharge Elimination System (General MS4 Permit), permit Nos. 3GQ00002*AG and 3GQ00002*BG. In order to ensure that a receiving stream's physical, chemical, and biological characteristics are protected and stream functions are maintained, minimum control measure No. 6, post-construction storm water management, of the General MS4 Permit required the City of Girard to:

- Pass an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects by March 28, 2008; and
- Implement an adequate long-term operation and maintenance program to ensure that post-construction storm water best management practices (BMP) are functional in perpetuity by March 28, 2008.

Ohio EPA understands that the City of Girard is responsible for ensuring that post-construction storm water management BMPs are specified for installation at all construction sites that disturb one acre or more via the review and approval of a construction site's storm water pollution prevention plan (SWP3). Ohio EPA also understands that Trumbull SWCD is responsible for ensuring that erosion and sediment BMPs are specified for installation on a construction site's SWP3 for all construction sites that disturb one acre or more via the review and approval of site SWP3s. According to the City of Girard and Trumbull SWCD, the SWP3 for Girard Manor, Inc., located at Washington Avenue approximately 150 feet north of Prospect Street (site), has been approved.

Upon reviewing the site's SWP3, no post-construction storm water management BMPs have been detailed for installation at the site. **The SWP3 for the site has been approved by both the City of Girard and Trumbull SWCD without post-construction storm water management BMPs detailed.**

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On July 6, 2009, I met with Lou Advasio, City of Girard Councilman; David Hall, City of Girard Zoning; Jacob Gore, Trumbull SWCD; and Jason Trapp, Trumbull SWCD to discuss the site's SWP3 and how the review and approval process failed to incorporate coordination between the City of Girard and Trumbull SWCD, which ultimately resulted in the failure to incorporate post-construction storm water management BMPs into the SWP3. I explained that all sites which disturb greater than one acre of land are required to have post-construction storm water management BMPs installed to manage runoff quality and quantity. To address this failure, the City of Girard explained that it would require a revised SWP3 for the site to be submitted that incorporates post-construction storm water management BMPs into the drainage of the site. As of the date of this notice of violation (NOV), Ohio EPA has not received a copy of the City of Girard's letter requesting an SWP3 revision.

This NOV serves to notify the City of Girard that the failure to provide a mechanism that requires post-construction storm water management BMPs on all construction sites that disturb one acre of land or larger constitutes violations of Part 3.2.5. of the General MS4 Permit and Ohio Revised Code Chapter 6111.

The City of Girard must submit a letter of response to Ohio EPA that includes the following information:

- A copy of the effective post-construction storm water management ordinance that the City of Girard utilizes. If the City of Girard has not passed post-construction storm water management ordinance, information detailing why the post-construction storm water management ordinance has not been passed by March 28, 2008 and a revised schedule for passing the post-construction storm water management ordinance;
- Details regarding the City of Girard's long-term operation and maintenance program that is utilized to ensure that post-construction storm water management BMPs remain functional in perpetuity.
- What procedures will be established and implemented by the City of Girard to ensure that the failure to review a construction site's SWP3 for post-construction storm water management BMPs will not occur in the future;
- How the City of Girard will address the site's failure to include post-construction storm water management BMPs; and
- A copy of the correspondence utilized by the City of Girard to address the failure to include post-construction storm water management BMPs on the site's SWP3.

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The City of Girard's letter of response must be submitted to Ohio EPA by August 14, 2009. Should you have any questions regarding this illicit discharge notification, please contact me at (330) 963-1118 at your earliest convenience.

Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM/mt

cc: David Hall, City of Girard, Zoning Department
Trumbull SWCD

ec: Jason Fyffe, Ohio EPA, DSW, CO
Michael Joseph, Ohio EPA, DSW, CO
Anthony Robinson, Ohio EPA, DSW, CO