



\*3GQ0006520090821\*

SUMMIT

AKRON

SUMMIT COUNTY & OTHERS

3GQ00065 2009/08/21

BOGOEVSKI,  
DANIEL

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



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

August 21, 2009

RE: SUMMIT COUNTY  
TUSCARAWAS RIVER BASIN  
CITY OF NORTON  
MUNICIPAL STORM WATER PROGRAM  
INSPECTION FINDINGS – MCM #6

Mr. Russ Arters  
Storm Water Program Coordinator  
City of Norton  
1060 Columbia Woods Dr.  
Norton, OH 44203

Dear Mr. Arters:

Ohio EPA has completed an audit of the City of Norton Municipal Storm Water Program, Minimum Control Measure #6. This program is a requirement of the Ohio EPA General Storm Water NPDES Permit for Small Municipal Separate Storm Sewers Systems (MS4s) and Ohio Administrative Code 3745-39. The City of Norton is a co-permittee of the Summit County MS4 permit #OHQ000065\*BG. On July 16, 2009, Ohio EPA met with you and other representatives of the City of Norton to determine compliance with the NPDES permit and the Storm Water Management Plan (SWMP) submitted by the City in March 2003.

Storm water best management practices (BMPs) were evaluated to determine if they are being implemented per the requirements of the NPDES permit and the Summit County SWMP. 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) used during the audit with comments by Ohio EPA regarding your MS4 program. Please review them in detail to determine specific elements where your program needs improvement. In these attachments you will find comments detailing ways to improve your MS4 program. Listed below are violations or deficiencies that will need to be addressed:

**Violations**

- **Failure to implement specific BMPs stated in your Storm Water Management Plan (SWMP).** This is a violation of Part III.B.6.d.iii.2 of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The Summit County SWMP states that the City of Norton would sweep streets annually and clean all catch basins within five years. As of the interview, the City had not implemented a street sweeping or catch basin cleaning program.

Mr. Russ Arters  
City of Norton  
August 21, 2009  
Page 2

Further, Ohio EPA has not received a request to replace or subtract this BMP as required by Part III.D.2.b of the NPDES permit. The City should review the Summit County SWMP and must comply with the standards set forth in that document concerning Part II.B.6.d.iii.e of the NPDES permit

- **Failure to implement plans or procedures to eliminate sources of known illicit discharges to your MS4.** This is a violation of Part III.B.3.e of NPDES permit and ORC 6111.04 and 6111.07. The Cuyahoga County Board of Health (CCBH) has determined that approximately 70% of the HTSTs are in failing status. The CCBH has also determined several outfalls that are producing an illicit discharge. A plan must be created that addresses the methods and time frame for elimination of these sources. In the future, always have a plan or schedule to eliminate illicit discharges into your MS4.
- **Failure to ensure adequate long-term operation and maintenance of public/private stormwater management facilities as well as City catch basins.** This is a violation of Part III.B.5.d of the Ohio EPA General Storm Water NPDES permit and ORC 6111.04 and 6111.07. There are currently no inspections of public stormwater facilities. It is thought that either the Summit County Soil and Water Conservation District or respective Home Owners Association will ensure the long-term maintenance of these facilities. **This is not true.** The Summit SWCD only provides inspection services to assure that post-construction BMPs are installed. They do not perform inspections to ensure that these BMPs remain functional. The City of Norton must either enter into agreements with third party agencies to provide these services or develop their own program with their own staff. Regardless of which direction you choose, please be aware that the SWCD has no authority to take enforcement action. This will ultimately fall on the City of Norton. A program to ensure long term maintenance of post-construction BMPs typically includes (a) maintaining an inventory of all public and private post-construction BMPs installed since April 21, 2003, (b) maintaining a copy of the long-term maintenance plan for each BMP, and (c) establishing a system to track maintenance activities by the responsible party. If a third party is relied on for any portion of the long-term maintenance program, there must be a signed Memorandum of Understanding (MOU) on file outlining the services to be provided. If you have an MOU with Summit SWCD, please provide me with a copy.
- **Failure to specifically list the municipal operations that are impacted by the operation and maintenance program.** This is a violation of Part III.B.6.d.i of the NPDES permit and ORC 6111.04 and 6111.07. The Storm Water Management Plan (SWMP) submitted in 2003 with your MS4 permit application was required to identify all municipal operations impacted by the MS4 program. The SWMP failed to identify one maintenance yard, nine parks, and 6 parking lots.

**Failure to provide training to municipal staff on storm water pollution prevention matters.** This is a violation of Part III.B.6.b and III.B.6.e of the NPDES permit and ORC 6111.04 and 6111.07. In your SWMP you have indicated that all service employees would be trained in storm water pollution prevention at least once a year. To date, no training has been provided to service department staff. Please be aware that the City is required to provide at least one training session each year on storm water BMPs to municipal staff whose job can affect compliance with the MS4 permit.

- **Failure to prevent discharge of leachate from stockpiles including landscape material, mulch piles, catch basin rebuilding debris.** This is a violation of Part I.C.5 and Part III.B.6.d.iii.2 of the Ohio EPA General Storm Water NPDES permit and ORC 6111.04 and 6111.07. The service garage stockpiles mulch and catch basin rebuilding debris that produces leachate if it comes in contact with storm water. In addition, any erodible piles must be protected and BMPs must be implemented to reduce erosion. Your MS4 permit does not authorize the City to discharge leachate. Please implement BMPs to reduce and eliminate any stormwater pollution coming from these piles.
- **Failure to implement practices to prevent the discharge of vehicle washwater at the service garage.** This is a violation of Part III.B.6.d.iii.2 of the NPDES permit and ORC 6111.04 and 6111.07. Vehicles are washed at this site, inside and outside the building. No washing should take place outside of the building. Further, it is not known whether the drains inside the building are connected to sanitary sewers or storm sewers. If drains are found to enter the MS4, the City must cease vehicle washing at this facility. The City can take trucks to a commercial car wash or establish a carwash bay with connections to the sanitary sewer system on site.

#### **Deficiencies**

- During the term of the first permit, the City has not investigated the outfalls of the maintenance and storage garage drainage system. In order to properly develop a Storm Water Pollution Prevention Plan and to ensure you are not discharging pollutants to water of the state, you must perform at least one dry weather screening of storm sewer system outfalls and must develop a map of the facility with the drainage system that serves it.
- The City 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.

Mr. Russ Arters  
City of Norton  
August 21, 2009  
Page 4

- The City does not conduct regular inspections of their storm sewer system but does employ the sanitary engineer to survey large amounts of sanitary sewer. You could improve your program by implementing a regular proactive inspection of the MS4 to prompt identification of illicit discharge.
- The service garage provides no secondary containment for potentially hazardous material. The drains in the service garage could enter the MS4 which would result in an illicit discharge of pollutants.

Please review my comments 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 September 21, 2009.** Please note that this response does not replace the requirement to submit an Annual Report.

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

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/mt

cc: Christina M. LeGros, Engineer, City of Norton  
Manager, Planning Department, City of Norton  
David L. Koontz, Mayor, City of Norton  
Cindy Fink, District Administrator, Summit SWCD  
David White, Storm Water Program Manager, Summit County