



3GQ0007220110715

STARK

CANTON

CITY OF CANTON

3GQ00072 2011/07/15

MACPHERSON,
LINDSIE

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

July 15, 2011

RE: STARK COUNTY
CITY OF CANTON
PERMIT NO. 3GQ00072*BG
MUNICIPAL STORM WATER
PROGRAM INSPECTION

Mr. Warren Price
Director of Public Service
City of Canton
218 Cleveland Ave. SW
Canton, OH 44705

Dear Mr. Price:

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) #4: Construction Site Storm Water Runoff Control and MCM #5: Post-Construction Storm Water Management in New Development and Redevelopment. 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) OHQ000002 and Ohio Administrative Code 3745-39.

On June 7, 2011, Ohio EPA met with you and other representatives of the City of Canton to determine compliance with the NPDES permit and the Storm Water Management Plan (SWMP) submitted by the City in March 2003. In performing this audit, Ohio EPA implemented a modified version of the Municipal Storm Water Program Evaluation Guide developed by the United States Environmental Protection Agency.

Attached are the Municipal Storm Water Program Evaluation, File Review, and Field Inspection Worksheet(s) completed for your community. Please review these documents in detail to determine specific elements where your construction and post-construction programs need improvement. In addition, you will find comments suggesting ways to improve your MS4 program. The following is a summary of our audit findings:

Violations:

- **Failure to conduct a storm water pollution prevention plan (SWP3) review for all projects that disturb 1 or more acre of land.** This is a violation of Part III.B.4.c of the NPDES permit. The Ohio EPA NOI database indicates that NPDES permit coverage has been issued to a number of construction projects at the Timken Plant, yet no plans for these projects have been submitted to the City for review. The City must review the Ohio EPA NOI database on a regular basis and ensure it is receiving plans from all projects that obtain NPDES permit coverage. Further, municipal construction projects that disturb 1 or more acre of land do not go through

the same SWP3 review and approval process as other construction projects in the City. SWP3s must be reviewed and approved by Stark SWCD and the City Engineer before construction activities begin.

- **Failure to document your procedure for prioritizing construction site inspection frequency if it is less than once per month.** This is a violation of Part III.B.4.c of the NPDES permit. The City has adopted a less than once per month frequency for "limited activity" and "idle" sites. Please update the Storm Water Management Program (SWMP) as required by Part III.D.2.a of the NPDES permit to provide the frequency of inspection you have implemented and the rationale for choosing those frequencies.
- **Failure to escalate enforcement to achieve compliance with the local construction and post-construction ordinance.** This is a violation of Part III.B.4.a.vi of the Ohio EPA General Storm Water NPDES permit # OHQ000002. The City storm water management ordinance (Chapter 961) calls for issuance of a Stop Work Order by the City Engineer after two Notices of Non-Compliance are issued by the Stark Soil & Water Conservation District (SWCD). Our file review revealed that more than 2 Notices of Non-Compliance have been issued to the City of Canton Fire Station #4 project, yet a stop work order has not been issued. Repeated violations were also noted at the Colonial Hills site without issuance of a Stop Work Order or other enforcement escalation. The City ordinance allows enforcement escalation to administrative fines, civil proceedings and criminal penalties, however, the City has never escalated enforcement beyond a Notice of Non-Compliance. In fact, the written enforcement procedures do not currently include an Administrative Fine option or provide clear guidance on how to pursue a civil or criminal penalty. The City must develop an enforcement escalation protocol consistent with the local construction site ordinance so as to provide Inspectors, the City Engineer, Service Director and others with a clear policy on when to take enforcement to the next level and how that is to be achieved. Further, we noted that some Stark SWCD Notices of Non-Compliance did not provide a deadline for corrective action or provide a description of potential penalties as required by the City ordinance.
- **Failure to submit a Notice of Termination within 45 days of reaching final stabilization on municipal construction projects.** This is a violation of Part IV.A of the Ohio EPA General Storm Water NPDES permit #OHC000003. Our records show that the City of Canton has 9 active projects permitted under the Ohio EPA General Storm Water NPDES Permit for Construction Activities but indicated during the interview that 6 of the projects were completed and have reached final stabilization. Please submit an NOT for all projects that are completed or no longer viable.

Deficiencies:

- Stark SWCD maintains the majority of records associated with the City of Canton construction and post-construction programs. We recommend that the City of Canton maintain a set of these records in the Engineering or Service Department, as appropriate. Although there is a Memorandum of Understanding between the City and Stark SWCD, this arrangement could be terminated at any time and the City may not have access to the records in the future. This also provides a back-up in case Stark SWCD or the City lose records due to computer failure or catastrophic losses. This is particularly important for long-term maintenance plans for post-construction BMPs.
- The City does keep an inventory of active construction projects using a spreadsheet generated by Stark SWCD. The list is generated as plans are submitted to SWCD for review. Our inspection revealed that the inventory was incomplete when compared to the Ohio EPA NOI list of projects covered under the general NPDES permit. The City and SWCD were uncertain about the status of a number of construction projects on the EPA list (See Evaluation Worksheet). Further, we found sites listed on the Ohio EPA's NOI list that were active, but not listed on the City's inventory. Please be aware that performance standards established under Part III.B.4.c of the NPDES permit require the City to inspect all construction sites where 1 or more acres of land are disturbed. These sites must be inspected when construction begins and at least monthly thereafter as long as the project is active. In order to ensure that this performance standard is met, Ohio EPA strongly recommends the City improve their system for keeping an inventory or list of construction projects and tracking their status.
- The City contracts construction site inspections and plan reviews with Stark SWCD. The inspector for the City seemed to be very well trained, with CPESC and CPSWQ certifications, but the City should still ensure that inspectors receive on-going education to ensure that they are aware of the latest standards and specifications for erosion and sediment control, as well as other storm water related topics. Plan review appears to miss details needed to ensure proper construction of BMPs. During the file review for the Fairhope Nature Preserve, a calculation error, not caught during the plan review process, was discovered for the wet-extended detention basin. From the ME Companies notes on water quality calculations for the Fairhope basin, it appears that the WQv was improperly calculated. The calculation shown on this page for the impervious area addresses the area of the basin itself and not the full drainage area to the basin. The improper calculation of the drainage area resulted in an unlikely runoff coefficient of 0.049. The error in calculation resulted in a water quality orifice that was too small for providing water quality treatment for the actual drainage area. *Please review Construction Field Review Worksheets for an evaluation of the construction site inspector for the City of Canton.*

Mr. Warren Price
City of Canton
July 15, 2011
Page 4

- The enforcement mechanisms provided by the storm water management ordinance may not be effective in every situation. The Ohio EPA strongly recommends that the City establish a performance bond or other such mechanism that would cover the cost of stabilizing a construction site, i.e., seeding and mulching, in the event that a development goes into foreclosure or becomes idle for an extended period of time.
- The City must ensure that a system is in place to keep long-term maintenance plans attached to a property as ownership changes. This component is essential to ensuring adequate long-term operation and maintenance (O&M) of post-construction Best Management Practices (BMPs). Long-term O&M plans are to be stand-alone documents and should not just be included within the set of construction drawings.
- The City does not track the location of post-construction BMPs beyond the name of the site where it is located. Many sites have multiple post-construction BMPs and it is important to know where each BMP is located within a site. The long-term O&M plan for each site should include a map showing: (a) the post-construction drainage areas to each post-construction BMP, (b) the location and type of each post-construction BMP, (c) the location of maintenance accesses and easements and (d) the points of discharge to the MS4 or waters of the state. We further recommend that each post-construction BMP is named or numbered to differentiate between them.
- The City needs to improve coordination between the Engineering and Building and Zoning Departments to ensure that those departments are aware of the property restrictions that post-construction BMPs may impose. Otherwise, building permits or plan approvals may be issued that would eliminate or disrupt the function of a post-construction BMP.
- The City of Canton has not established standards for post-construction BMP selection and design for small construction activities (i.e., where the larger common plan of development or sale disturbs < 5 acres). The City should consider establishing standards on the local level that are more defined than the Ohio EPA NPDES permit standards. The leniency provided by the NPDES permit and the ***Rainwater and Land Development*** manual allows for arguments on the matter of what post-construction practices are required for such sites. To avoid such arguments and negotiations, the City should set their own bar by establishing local standards for small construction sites.
- The City has reviewed their ordinances to facilitate the use of non-structural and low-impact development (LID) practices as demonstrated in the City of Canton Storm Water Management Manual, Exhibit A to Chapter 961: Storm Water Management. However, we noted the omission of riparian and wetland setbacks from this ordinance. The City should consider adding these non-structural BMPs to their SWMP, but may choose to exclude certain areas of the City where other practices

Mr. Warren Price
City of Canton
July 15, 2011
Page 5

may be more appropriate, e.g., the Downtown District. To further promote use of LID practices, the City may also want to consider adding a runoff reduction requirement to Exhibit A. Planning and zoning codes should be reviewed to encourage smart growth principles in compact neighborhoods or mixed-use development such as walkable neighborhoods, vertical development, and infill development along corridors served by public transportation, as well as allowing the use of meadow grass or low-maintenance vegetation, where appropriate. The City should also look into updating their parking codes to reduce the amount of impervious surfaces created by current parking requirements. Permeable pavement is a key tool to reducing impervious area and should be more broadly promoted.

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 August 15, 2011.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2011 will be due on April 1, 2012.

If you have any questions, please contact me at (330) 963-1138 or lindsie.macpherson@epa.state.oh.us.

Sincerely,



Lindsie MacPherson
Assistant to the District Engineer
Division of Surface Water

LM/mt

cc: William J. Healy II, Mayor, City of Canton
Chris Barnes, Assistant Engineer, City of Canton, w/ Enclosure
Dan Moeglin, Engineer, City of Canton
Julie Berbari, Urban Resource Coordinator, Stark SWCD, w/ Enclosure
Phil Rhodes, Ohio EPA, NEDO, DSW

Municipal Storm Water Program Evaluation

Construction and Post-Construction Component Worksheet

Date of Evaluation
June 7, 2011
Evaluator Name, Title
Dan Bogoevski, District Engineer Lindsie MacPherson, Ass. District Engineer
MS4 Permittee
City of Canton

Instructions: Use this worksheet as a guide for questioning MS4 staff and reviewing applicable documents. Keep in mind that additional questions may be necessary based on local regulations, MS4 permit requirements, implementation strategies, or water quality issues. Remember to obtain copies of any applicable documents or files which may assist in writing the MS4 evaluation report.

Staff Interviewed		
Name	Department/Agency	Phone Number/Email
Chris Barnes Assistant City Engineer	Engineering Department City of Canton	(330) 438-6908 Chris.barnes@cantonohio.gov
Warren Price Director of Public Service	Service Department City of Canton	(330) 438-4310 Warren.price@cantonohio.gov
Darla Hinderer Zoning Inspector	Building Department City of Canton	(330) 438-4726 Darla.hinderer@cantonohio.gov
Julie Berbari Urban Resource Coordinator	Stark SWCD	(330) 830-7700 ext 127 Julie.berbari@starkswcd.org
Caroline Gabrich District Administrator	Stark SWCD	(330) 830-7700 ext 128 Caroline.gabrich@starkswcd.org
Dan Moeglin City Engineer	Engineering Department City of Canton	(330) 438-6903 Dan.moeglin@cantonohio.gov

Ordinance/Legal Authority	
Interview Questions	Response
Section 4.1 of City of Canton Storm Water Management Manual	
<p>Ordinance used to require storm water BMPs at construction sites?</p> <p>Name and/or code section(s)</p> <p>Date initially enacted: 10/5/2009</p>	<p style="text-align: center;">YES</p> <p>Chapter 961: Storm Water Management Exhibit A to Ch. 961 – City of Canton Storm Water Management Manual</p> <p>Prior to this ordinance, there were a variety of ordinances on the books they used informally to meet the intent of the NPDES permit:</p> <p>Chapter 943: Prohibits polluted discharges and illegal connections</p> <p>Chapter 1163.07: Planning and Zoning Ordinance – requires site plan review committee and 1163.08 includes list of items required on plans. Any proposed activity resulting in disturbance of 1 or more acre had to submit plan. Required a review by City Engineer and plan would not be approved until it met his approval. No zoning permit would be approved until plan approved by Engineering Dept.</p> <p>Chapter 1335: Building Drains and Sewers – regulates sewer connections</p> <p>Chapter 1379: Rubbish and Garbage Disposal –</p> <p>Chapter 339: Tracking of mud and leaking substances onto street</p> <p>Chapter 521: Health Safety Sanitation – city has authority to remove putrid material from properties and obstructions in storm sewers and natural watercourses. Prohibit dumping on private properties or public waters.</p> <p>Chapter 903: Streets and Sidewalks – building material not to interfere with free flow of water</p>
<p>Threshold for coverage (e.g., 1 acre, 100 cubic yards, etc.)</p> <p>NOTE: <i>1 acre is minimum requirement.</i></p>	<p>Section 4.1 of City of Canton Storm Water Management Manual sets a threshold of earth disturbance of 1 acre of land. Includes smaller parcels that are part of larger common plan of development or sale.</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>Exclusions from coverage allowed:</p> <p><i>NOTE: To align with NPDES permit program, the only exclusions allowed are (a) if rainfall erosivity factor, R, is < 5 for the project, (b) construction is "routine maintenance" to re-establish the original line, grade or hydraulic capacity of storm water infrastructure, i.e., ditch cleaning and detention basin dredging, where < 5 acres is disturbed, (c) silvicultural disturbances, (d) agricultural disturbances or (e) construction related to oil & gas well exploration.</i></p> <p><i>Ohio EPA website has fact sheets on what constitutes "agricultural disturbance" and "routine maintenance" versus regulated construction activity.</i></p> <p><i>Some communities allow an abbreviated SWP3 for individual home construction or other small construction. That is fine as long as intent of regulation is met.</i></p>	<p>Earth disturbances for establishing agricultural crops under HB 88, silvicultural operations under HB 88, activities regulated by the Ohio Agricultural Sediment Abatement Rules, Strip Mining and Surfacing Mining Operations regulated under ORC 1513.01, 1514.01, normal landscape activities such as gardening and horticulture. emergency projects immediately necessary for protection of life, property and natural resources, anything in Ohio EPA CGP listed as exempt.</p>
<p>Does your construction program include the following types of construction activity:</p> <p>Single-family residential?</p> <p>Multi-family residential?</p> <p>Commercial development?</p> <p>Institutional development (schools or government facilities)?</p> <p>Mixed-use development?</p> <p>Non-subdivided development?</p> <p>Non-exempt construction on agriculturally-zoned lands? (barn on a farm)</p> <p>Non-silvicultural tree clearing?</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">NO</p> <p>Definition for "soil disturbing activity" is any activity such as, but not limited to, clearing, demolition, grading, excavating, construction, filling, etc., that may alter the existing ground cover and which may result in or contribute to erosion and sedimentation. Exhibit A Chapter 961 Section 1.</p>

Ordinance/Legal Authority	
Interview Questions	Response
	<p>NOTE: Ohio EPA considers tree clearing to be a regulated construction activity if it is not conducted with the intent to harvest timber. Non-silvicultural tree clearing usually results in clear cutting of continuous swaths of land rather than the selective tree clearing of trees larger than a certain diameter usually associated with harvesting timber.</p>
Your own municipal construction projects?	YES
Construction and demolition debris landfills?	YES
Construction by other public entities within your political jurisdiction, e.g., a county road project within a municipality?	YES
Earth disturbance associated with open spaces and parks (e.g., trails within a park or parking lot improvements at a park)?	YES
Private pond construction?	YES
Construction of wind or solar panel farms?	YES
Establishment of borrow or spoil areas that service multiple, unrelated construction projects?	YES
Utility construction projects (including tree clearing along utility corridors or pipeline projects that cross multiple political jurisdictions)?	YES
<p><i>NOTE: Construction must only be regulated if it does not meet one of the exclusions and the larger common plan of development or sale disturbs 1 or more acre of land. The intent of this line of questioning is to simply highlight the scope of regulated construction activity that the MS4 may have to contend with.</i></p>	
Does ordinance regulate the discharge of pollutants other than sediments on a construction sites (e.g., construction wastes, fuel tanks, cement truck washwater, trash, chemicals, etc.)?	YES

Ordinance/Legal Authority	
Interview Questions	Response
<p>Has ordinance been updated to reflect minimum requirements of Ohio EPA NPDES permit #OHC000003?</p> <p>Date of updates?</p> <p><i>NOTE: MS4 permit #OHQ000002 required updates within 2 years of permit renewal.</i></p> <p>Date of MS4 Permit Renewal: June 4, 2009</p>	<p>YES</p> <p>November 22, 2010 for ordinance, but Exhibit A: City of Canton Storm Water Management Manual updated January 27, 2011, to reference #OHC000003.</p>
<p>2011 Ordinance Updates</p>	
<p>Ordinances used to require post-construction storm water BMPs on new development or redevelopment projects:</p> <p>Treatment of Water Quality Volume (WQv) Name and code section:</p> <p>Date initially enacted: 10/5/09</p> <p>Has this ordinance been updated to reflect the minimum requirements of Ohio EPA General Permit #OHC000003?</p> <p>Date of update: 11/22/10</p> <p>Riparian and Wetland Setback Ordinance Name and code section:</p> <p>If YES, does ordinance require protection of native vegetation within riparian area or can manicured lawns be established?</p> <p>If YES, does ordinance allow the location of storm water infrastructure within the riparian setback?</p> <p>Runoff Reduction (e.g., infiltration or mitigation of a recharge volume)? Name and code section:</p> <p>BMPs designed to control temperature for discharges to cold water habitat streams? Name and code section:</p> <p>Encouraging Green Infrastructure or low-impact development practices:</p>	<p>YES</p> <p>Chapter 961: Storm Water Management Exhibit A (Section 4) to Ch. 961 – City of Canton Storm Water Management Manual</p> <p>YES</p> <p>See notes above about update to manual</p> <p>NO</p> <p>N/A</p> <p>N/A</p> <p>NO</p> <p>N/A</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>Allow downspout disconnection and use of open storm water conveyance systems? Names and code sections:</p>	YES Chapter 961 Exhibit A: Canton Storm Water Management Manual – Section 2.5
<p>Permit the installation of rain gardens and other bioretention facilities? Names and code section:</p>	YES Chapter 961 Exhibit A: Canton Storm Water Management Manual – Section 2.10
<p>Allow rainwater harvesting (rain barrels and cisterns)? Name and code section:</p>	YES Chapter 961 Exhibit A: Canton Storm Water Management Manual – Section 2.10
<p>Allow or require the use of pervious pavement systems? Name and code section:</p>	YES Chapter 961 Exhibit A: Canton Storm Water Management Manual – Section 2.10
<p>Allow reduction in the size of traditional storm water management structures if LID used? Name and code section:</p>	NO
<p>Provide a credit to a storm water utility fee if LID is used? Describe:</p>	NO – No storm water utility in place
<p>Balanced Growth Principles, i.e., other non-structural ordinances or codes that promote better site design: Allow conservation design as a subdivision layout (retain ≥ 40% open space by maintaining existing zoned density)</p>	YES Chapter 1143: Planned Unit Development Districts – Requires 30% of the parcel size to be reserved in open space. This space must be dedicated parks, playgrounds and recreational uses, conservation of natural resources and agriculture.
<p>Standard or variance required? Name and code section: Chapter 1143</p>	STANDARD
<p>Encourage the use of vegetation that requires little to no maintenance in common areas (e.g., meadow vegetation vs. mowed lawn) Name and code section:</p>	SOMETIMES May be allowed in a PUD scenario, but not in other development scenarios. City has a grass cutting ordinance that prohibits grass height > 8 inches.

Ordinance/Legal Authority	
Interview Questions	Response
<p>Reduce impervious area created by commercial parking lots (e.g., update codes so that they are context-specific, allow shared parking, land banked parking, parking garages rather than surface lots, etc.) Name of code section</p>	<p style="text-align: center;">NO</p> <p>But, have begun to discuss this issue.</p>
<p>Allow sidewalks on only one side of the road in residential neighborhoods Name and code section:</p>	<p style="text-align: center;">YES</p> <p>Chapter 1111: Planning Rules and Regulations references no plan shall be approved without sidewalks, but does not specify that sidewalk is required on both sides. This is at the discretion of city engineer and planning commission.</p>
<p>Zoning that encourages smart growth in compact neighborhoods or mixed-use development:</p>	<p style="text-align: center;">NO</p> <p>There is a downtown zoning district that permits zero setbacks and mixed land uses. To do anything like this anywhere else within the City would require a Planned District, i.e., special review and zoning change.</p>
<p>If YES, does zoning create walkable neighborhoods with access to commercial areas and employment centers? Describe:</p>	<p style="text-align: center;">N/A</p>
<p>If YES, does this zoning provide incentives for vertical development rather than horizontal sprawl? Describe:</p>	<p style="text-align: center;">N/A</p>
<p>If YES, does this zoning encourage a range of housing options for people of various incomes? Describe how:</p>	<p style="text-align: center;">N/A</p>
<p>If YES, do you provide incentives for infill development or development in the core? Describe incentive programs:</p>	<p style="text-align: center;">N/A</p>
<p>If YES, does zoning direct growth in areas where there are a variety of transportation choices (walking, biking, public transportation vs. just the car)? Describe how:</p>	<p style="text-align: center;">N/A</p>

NOTE: The point of this line of questioning is to

Ordinance/Legal Authority	
Interview Questions	Response
<p><i>emphasize to the MS4 that post-construction storm water management, land use planning and building and zoning codes must be linked to create a meaningful storm water program. A good MS4 program goes beyond the WQv requirement. The storm water program manager must work with the planning commissioner and building department to affect development patterns in their community that negatively impact storm water quality.</i></p>	
<p>Do permit or plan approvals have to be issued before construction activities that disturb 1 or more acre can commence?</p> <p>Plan Approvals Construction Post-Construction</p> <p>Permits & Type (Building, Grading, etc.) Construction Post-Construction</p> <p>Does your definition of "construction activities" include any grading, grubbing, filling, clearing or excavating activity?</p>	<p style="text-align: center;">YES</p> <p>Process is same for construction & post-construction.</p> <p style="text-align: center;">YES</p> <p>Zoning permit for subdivision at first. Zoning and Building permit for individual structures within the subdivision.</p> <p style="text-align: center;">YES</p> <p>See above for definition of "soil disturbing activity".</p>
<p>Are plans for storm water controls used during construction submitted separately from plans that depict post-construction BMPs?</p> <p>Describe the submission process and the timing of plan submission:</p>	<p style="text-align: center;">NO</p> <p>City of Canton SWP3 submittal procedure provided to the EPA. Construction & Post-construction are submitted together and are reviewed at the same time.</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>Does your ordinance explicitly specify selection criteria or minimum acceptable BMP design?</p> <p>Construction Post-Construction</p> <p>If NO, are these standards referenced?</p> <p>Construction Post-Construction</p> <p>If YES, list references:</p> <p>Construction Post-Construction</p>	<p style="text-align: center;">NO NO</p> <p style="text-align: center;">YES YES</p> <p>Ohio EPA CGP #OHC000003 and current edition of Rainwater and Land Development Ohio EPA CGP #OHC000003 and current edition of Rainwater and Land Development</p>
[REDACTED]	
<p>Types of enforcement mechanisms available for construction site issues per your ordinance:</p> <p>Chapter 961.13 – Stop Work Order Chapter 961.99 – Administrative Fine Chapter 961.15 and 16 – Civil Proceedings Chapter 961.99 – minor misdemeanor allows fines of up to \$150 with subsequent escalation.</p>	<p>Notices of Violations (NOV) YES Administrative fines YES Stop-work orders YES Civil penalties YES Criminal penalties YES Other (Describe):</p>
<p>Which type of enforcement action have you most commonly implemented?</p>	<p>Notice of Non-Compliance is the only mechanism used.</p> <p>Exhibit A of Chapter 961 Section 4.9 establishes the following procedure: Notice of Non-Compliance sent by Stark SWCD establishes deadline to correct violation. If violation not rectified, a second NOV is issued. If not corrected after second NOV, SWCD notifies Engineering Department and recommends Stop Work Order.</p> <p>Administrative fine is assessed by Service Director. The City has never taken this route. The written enforcement procedures do not currently include an Administrative Fine option or provide clear guidance on how to pursue civil or criminal penalty.</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>Describe the enforcement mechanism used when the following compliance situations are encountered on construction sites:</p> <ol style="list-style-type: none"> 1. Construction has commenced without a permit or plan approval 2. A BMP indicated on the SWP3 has not been installed or requires maintenance (first incidence) 3. A BMP is required but not shown on the SWP3 4. A BMP has not been installed or maintained despite prior notification from the MS4 (repeated incidences) 5. If using a third party inspection service provider, e.g., the SWCD, MS4 receives inspection report indicating repeated non-compliance issue 	<p>Stark SWCD sends Notice of Non-Compliance that tells developer to stop work, but this is not a formal Stop Work Order. Stark SWCD does not have formal stop work order authority.</p> <p>Stark SWCD sends Notice of Non-Compliance</p> <p>Stark SWCD notifies developer that SWP3 requires modification</p> <p>Once a Notice of Non-Compliance is issued, the site goes on a weekly inspection schedule. If non-compliance continues, additional NOV's are issued. After 30 days, if still in non-compliance, the developer has 15 additional days to fix problem. If not fixed after that, goes to City to get Stop Work Order. However, have never issued a stop work order for a site in the City of Canton.</p> <p>City files report. If they note a third report, they would escalate enforcement action. That third letter is the recommendation for Stop Work Order.</p>
<p>Describe the last enforcement action your community has taken against a contractor or developer for non-compliance with construction site requirements and provide the documentation to demonstrate the action.</p> <p><i>NOTE: In municipalities, letters from the SWCD are not considered NOV's unless the community's ordinance specifically gives the SWCD enforcement authority. This is not the case typically. The SWCD is simply notifying the developer and community that there are compliance issues on the site, but they have no inherent enforcement authority in a municipality.</i></p>	<p>Gervasi's Vineyard was issued a Notice of Non-Compliance for starting construction without an approved SWP3, without a pre-construction meeting and without an NOI. This stop work notice was dated Feb 24, 2011.</p> <p>A Notice of Non-Compliance was sent to City of Canton Fire Station No. 4. They were not implementing the approved SWP3. First notice dated April 7, 2011. The letter that was sent did not state "First Notice of Violation" and did not establish a deadline for compliance. Chapter 961 Section 13 requires that a deadline for corrective action to be included in the inspection letter or NOV. A statement describing potential penalties was not included in either of the letters as required by City code.</p>

Ordinance/Legal Authority													
Interview Questions	Response												
	There are subsequent inspection letters, but they are only titled "Non-Compliance" if there is a violation of City of Canton ordinance. The letters on non-compliance only have Stark SWCD on the letterhead. City of Canton code is mentioned in text but no letterhead with City name is used.												
Have your enforcement protocols and procedures for construction site issues been formalized in a written enforcement escalation plan?	NO												
[REDACTED]													
Types of enforcement mechanisms available for post-construction site issues per your ordinance:	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Notices of Violations (NOV)</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Administrative fines</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Stop-work orders</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Civil penalties</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Criminal penalties</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Other (Describe):</td> <td></td> </tr> </table> <p>Ordinance also provides ability for City to perform the work and assess property owner for cost of doing work.</p>	Notices of Violations (NOV)	YES	Administrative fines	YES	Stop-work orders	YES	Civil penalties	YES	Criminal penalties	YES	Other (Describe):	
Notices of Violations (NOV)	YES												
Administrative fines	YES												
Stop-work orders	YES												
Civil penalties	YES												
Criminal penalties	YES												
Other (Describe):													
Which type of enforcement action have you most commonly implemented?	Inspection Letter (NOV)												
Describe the enforcement mechanism used when the following compliance situations are encountered regarding post-construction:													
<ol style="list-style-type: none"> 1. The post-construction BMP has been installed too early in the construction process (e.g., the permanent WQv outlet has been installed when the sediment control outlet is still required, or the bioretention soil has been placed prior to upland areas being stabilized) 2. The post-construction BMP has not been maintained (first incident) 3. The post-construction BMP has not been maintained after multiple notifications 4. A homeowner has cut down trees in the riparian setback area (if applicable) 	<p>Stark SWCD would send an inspection letter notifying them to switch outlet to the sediment control structure.</p> <p>Stark SWCD would send an inspection letter for the annual maintenance.</p> <p>City of Canton would send an NOV. Has not occurred yet.</p> <p>N/A</p>												

Ordinance/Legal Authority		
Interview Questions	Response	
5. A homeowner has installed a shed in a vegetated filter strip disrupting sheet flow runoff	Stark SWCD would send letter and notify owner to remove the shed. Need to improve procedures to ensure zoning does not issue permits that would impact post-construction BMP.	
Describe the last enforcement action your community has taken against a contractor or developer for non-compliance with post-construction site requirements and provide the documentation to demonstrate the action.	<p>No actions on post-construction to date.</p> <p>Queen Ester Subdivision was notified of long-term maintenance regarding their dry extended detention basin on May 25, 2011. Letter still not sent. SWCD will provide copy of letter once sent.</p> <p><i>NOTE: In municipalities, letters from the SWCD are not considered NOV's unless the community's ordinance specifically gives the SWCD enforcement authority. This is not the case typically. The SWCD is simply notifying the community that there are compliance issues on the site, but they have no inherent enforcement authority in a municipality.</i></p>	
Have your enforcement protocols and procedures for post-construction issues been formalized in a written enforcement escalation plan?	NO	
Applicable Documents	Reviewed	Obtained
Sediment and Erosion Control Ordinance	YES	YES
Post-Construction Storm Water BMP Ordinances(s)	YES	YES
Enforcement escalation plan or procedures Construction: Post-Construction:	Does not Exist	
Notes		
Construction Project Inventory		
Interview Question	Response	
Do you keep an inventory of construction projects that are actively occurring in your community? If YES, how?	<p style="text-align: center;">YES</p> <p>Spreadsheet kept by Stark SWCD. List is generated as plans are sent to SWCD for review.</p>	

Do you track construction projects <1 acre (e.g., individual lot within a subdivision or small addition to a business)?	Not tracked. Do not include infill in older subdivisions, but would look at house construction in a newer subdivision. The SWCD sends letter to permittee, (including homebuilder if they filed an Individual Lot NOI).										
How often is your inventory of construction projects updated?	Monthly. Added when new plans are received. Also goes into Urban Program (software developed by Geauga SWCD and used by Stark SWCD).										
Information tracked:	<table border="0"> <tr> <td>Project status</td> <td>YES</td> </tr> <tr> <td>Inspection Findings</td> <td>YES</td> </tr> <tr> <td>Enforcement Actions</td> <td>YES</td> </tr> <tr> <td>Complaints</td> <td>YES</td> </tr> <tr> <td>NOI submittal</td> <td>YES</td> </tr> </table>	Project status	YES	Inspection Findings	YES	Enforcement Actions	YES	Complaints	YES	NOI submittal	YES
Project status	YES										
Inspection Findings	YES										
Enforcement Actions	YES										
Complaints	YES										
NOI submittal	YES										
<p>If construction sites are not inspected at least once per month, how do you prioritize or determine inspection frequency?</p> <p>Criteria used:</p> <p>Is this inspection criteria and frequency explicitly stated in your SWMP?</p>	<p>Active sites are inspected twice a month. If a condition of non-compliance is noted, then they go on a weekly inspection frequency. Limited activity sites are inspected once every 3 to 5 weeks (individual lot construction). Idle sites (sites where work has stopped, e.g., grassed and basin in, but no homes built yet) every 6 to 8 weeks. Stopped sites are not inspected (foreclosure or bankruptcy has occurred or where SWCD knows the project is not moving forward.)</p> <table border="0"> <tr> <td>Proximity to water body</td> <td>NO</td> </tr> <tr> <td>Water body impairment</td> <td>NO</td> </tr> <tr> <td>Size of project</td> <td>NO</td> </tr> <tr> <td>Slope of project site</td> <td>NO</td> </tr> <tr> <td>Other: Level of site activity</td> <td></td> </tr> </table> <p style="text-align: center;">NO</p> <p>Need to update SWMP to follow the above criteria for inspection put forth by the Stark County SWCD.</p>	Proximity to water body	NO	Water body impairment	NO	Size of project	NO	Slope of project site	NO	Other: Level of site activity	
Proximity to water body	NO										
Water body impairment	NO										
Size of project	NO										
Slope of project site	NO										
Other: Level of site activity											
Number of active construction sites on date of interview (for subdivisions where only individual lot construction is occurring, count the entire subdivision or phase of subdivision as one site):	<p>19 should have NOI. 5 are active, 3 are limited activity, 6 idle, and 5 not yet started.</p> <p style="text-align: center;">INVENTORY NOT COMPLETE</p>										

NOTE: Select two sites from NOI list and ask if they are active. Ask for the dates of the last two site inspections at each site.

Site #1: Canton Fire Station No. 4
 Most recent inspection date: May 23, 2011
 Prior inspection date: May 9, 2011

Site #2: Old Dominion Freight Lines
 Most recent inspection date: June 2, 2011
 Prior inspection date: May 23, 2011

Applicable Documents	Reviewed	Obtained
List of active construction projects	YES	YES
List of projects covered under a state/EPA general permit	YES	YES

Notes

Construction Site Inventory

City and SWCD were uncertain about the status of a number of construction projects. Further, we found sites listed on Ohio EPA's NOI list as active, but not listed on the City's inventory. Need to develop a system that better tracks activity at a site from start of construction until date of final stabilization and ensure consistency with Ohio EPA's list of NOIs.

Bison Street site is not on the inventory of active construction sites. City and SWCD were unaware of status. They are also unaware of any activity at Timken Plant, yet there are numerous NOIs for activities there. No plans have been submitted to City or SWCD for review. Not aware of status of Riverside Industrial Park. Not aware of City water department project (Collector Well #2). City projects do not go through the plan review procedures (plan submittal requirements) that apply to other types of development. Not certain about Marathon site on Gambrinus or Refinery site (3GC03701*AG). Marathon North Lay Down project listed as idle, but is complete.

There were several municipal construction projects on the Ohio EPA NPDES permit list but work on those projects has been completed. Please note that the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 requires the City to submit a Notice of Termination (NOT) to Ohio EPA within 45 days of when a project reaches final stabilization. The City is in violation of Ohio EPA General Storm Water NPDES Permit for Construction Activities for City projects that are complete but failed to submit a NOT within 45 days of reaching final stabilization.

Post-Construction BMP Inventory

Interview Question	Response
Are post-construction BMPs tracked? <i>BMPs must be shown on MS4 map.</i>	YES At the end of each year, SWCD provides City with information for annual report. City adds to map and details what type of post-construction BMP is installed. This information is reflective of post-construction BMPs on "the list." If a BMP is not on the list, the BMP is not mapped.

Does this include all types of BMPs, e.g., riparian setback area, green roof or pervious pavement as well as bioretention cells and extended detention ponds?	YES On list but not on map. Does include all types.
Information tracked:	<p><u>Location:</u> YES To extent of main site only.</p> <p><u>Type:</u> YES On list only. Not on map.</p> <p><u>Maintenance Requirements:</u> SOMETIMES Missing long-term maintenance plans from initial projects</p> <p><u>Inspection findings:</u> YES</p> <p><u>Other (e.g., Ownership):</u> Initial ownership only. Still have not figured out a system to keep long-term maintenance plan attached to property once ownership changes.</p>
Database used?	YES Excel spreadsheet and SWCD Urban Program, although not all information is input into SWCD program.
Number of private post-construction structural BMPs installed in community	Information known only to the extent of the list. Total BMP number on list is 44, but not separated public vs. private.
Applicable Documents	
Inventory of Post-Construction BMPs	Reviewed YES Obtained YES

Construction and Post-Construction BMP Standards	
Interview Questions	Response
Do your erosion and sediment control standards include BMP selection criteria?	YES
Do your construction site standards account for different needs for different times of the year (e.g., growing season vs. winter)? Please elaborate:	YES By reference and do require pre-winter meeting by October 31 st to determine appropriate over-winter measures.

Construction and Post-Construction BMP Standards		
Interview Questions	Response	
Do your standards include operation and maintenance requirements?	YES	
Do your post-construction standards include BMP selection criteria?	YES Basins are only permitted on sites if the WQv orifice is 2.5 inches or greater unless you take measures to reduce clogging. Where that is not achievable, use other practices.	
Has your community established standards for post-construction BMP selection and design for small construction activities (i.e., where the larger common plan of development or sale disturbs < 5 acres)? If so, what are your standards?	NO The City should consider establishing standards on the local level that are more defined than the Ohio EPA NPDES permit standards. The leniency provided by the NPDES permit and the Rainwater and Land Development manual allow for arguments on the matter of what post-construction practices are required, and to avoid such arguments and negotiations, the City should set their own bar by establishing local standards.	
Do your standards include operation and maintenance requirements?	YES Exhibit A Chapter 961 Section 4.12	
Applicable Documents	Reviewed	Obtained
BMP guidance or technical document	YES	YES

Plan Review Procedures		
Interview Questions	Response	
Who is responsible for erosion and sediment control plan review?	Stark SWCD	
If third party, is there an MOU or other agreement in place?	YES	
Is it current?	YES	
Who is responsible for post-construction plan review?	Stark SWCD (water quality requirements) and City Engineering Department (water quantity requirements)	
If third party, is there an MOU or other agreement in place?	YES	
Is it current?	YES	

Plan Review Procedures	
Interview Questions	Response
<p>What training or professional certifications have plan review personnel received?</p> <p>Construction Post-Construction</p>	<p>CPESC and CPSWQ, plus see training certificates for Julie and Chris provided to the Ohio EPA.</p>
<p>How many years of experience does plan review personnel have inspecting storm water BMPs?</p> <p>Construction Post-Construction</p>	<p>15 years - Julie 15 years- Julie and 14 years- Chris.</p>
<p>How often do plan review personnel receive training?</p> <p>Construction & Post-Construction</p> <p><i>NOTE: Make MS4 operator aware of training opportunities provided by Ohio EPA and archived at www.epa.ohio.gov/ocapp/storm_water.aspx.</i></p>	<p>Average 4 times per year for both</p>
<p>Do you use a checklist to conduct plan review?</p> <p>Construction Post-Construction</p>	<p>YES YES</p>
<p>Size threshold for plan review (i.e. 1 acre, 10,000 square feet)?</p>	<p>Same for both construction and post-construction, 1 acre of earth disturbance.</p>
<p>Do you verify the submission of a Notice of Intent (NOI) or Individual Lot NOI to Ohio EPA as part of your plan review process?</p>	<p>YES</p>
<p>Do you require a pre-construction meeting with developers and/or contractors?</p> <p><i>NOTE: This is a required performance standard for both construction and post-construction.</i></p>	<p>YES</p> <p>Required by code, but does not always occur. When a project is discovered that has not had a preconstruction meeting, the procedure is to send a Notice of Non-Compliance and the operators are told to stop work.</p>
<p>Is the sequence of implementation of sediment and erosion controls discussed during these meetings?</p>	<p>YES</p>
<p>Is the timing of installation of post-construction BMPs discussed during these meetings?</p>	<p>SOMETIMES</p> <p>Do not always discuss the fact that the outlet structure for sediment control is different than that for post-construction</p>

Plan Review Procedures			
Interview Questions		Response	
Does your community have standard conditions of plan approval?		NO	
Do they include erosion and sediment control and/or post-construction water quality requirements?		N/A	
Does your community require a performance bond that can be used to pay for BMPs (site stabilization) in the event the developer does not complete the project?		NO	
Does your community require a long-term maintenance plan for post-construction BMPs?		YES	
If YES, is the plan required to include the following:			
Identify the party responsible for long-term maintenance?		YES	
A list of routine and non-routine maintenance tasks and the frequency for their performance?		YES	
A map that identifies the types and locations of post-construction BMPs and their maintenance or access easements?		YES	
A list of deed restrictions, conservation easements or environmental covenants required to maintain post-construction BMPs in perpetuity?		YES Needs to expand Item 8 on Page 8-8.	
Is this plan kept on file or input into a database for future reference to ensure the required tasks are being completed?		YES	
Applicable Documents		Reviewed	Obtained
Copy of standard conditions of approval		N/A	
Example of standard conditions applied to an approved project		N/A	
Checklist used by plan reviewers		YES	YES

Project Inspections	
Interview Questions	Response
Who is responsible for erosion and sediment control site inspection?	Stark SWCD
If third party, is there an MOU or other agreement in place?	YES

Project Inspections	
Interview Questions	Response
Is it current?	YES
Who is responsible for post-construction site inspection?	Stark SWCD for long-term maintenance inspections and as-built inspections.
If third party, is there an MOU or other agreement in place?	YES But only covers annual inspection. The MOU states that as-built inspections are done as part of construction inspection.
Is it current?	YES
Is an "as-built" inspection conducted at the time a post-construction BMP is installed to ensure compliance with the approved BMP construction plan?	YES
Does the MS4 conduct inspections for long-term maintenance of privately-owned post-construction BMPs?	YES
If YES, at what frequency?	Once per year.
Findings from construction and post-construction inspections tracked in a database?	YES The City has the capability to put the information in SWCD Urban Program and record observations and inspection findings, but not done yet. Currently just keep inspection reports in a file. File is kept at the SWCD, but not at City.
What training or professional certifications have site inspection personnel received?	Answers as above.
<p style="margin-left: 40px;">Construction Post-Construction</p> <p>How many years of experience does site inspection personnel have inspecting storm water BMPs?</p> <p style="margin-left: 40px;">Construction Post-Construction</p>	

Project Inspections		
Interview Questions	Response	
<p>How often do site inspection personnel receive training?</p> <p>Construction Post-Construction</p> <p><i>NOTE: Make MS4 operator aware of training opportunities provided by Ohio EPA and archived at www.epa.ohio.gov/ocapp/storm_water.aspx.</i></p>		
<p>Do you use a checklist or the approved plan to conduct site inspections?</p> <p>Construction Post-Construction</p>	<p>YES. A copy of the checklist was provided to the Ohio EPA.</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p>Checklist for long-term maintenance, but use approved SWP3 for as-built.</p>	
Applicable Documents	Reviewed	Obtained
Most recent inspection staff training records	YES	YES
Example of active construction project inspection checklist	YES	YES
Example of inspection record to verify "as-built" of post-construction BMPs	YES	YES
Records from inspection tracking database or filing system	YES	YES
Checklist for inspecting long-term maintenance of post-construction BMPs	YES	YES
Notes		
MS4-Owned Construction Projects		
Interview Questions	Response	
Projects designed in-house or contracted?	Both. Maintenance is usually in-house while capital improvement projects are contracted out.	
Designers trained in storm water BMP implementation?	YES	
Checklist used during the design and/or review of public construction projects?	NO	
Are projects greater than one acre covered a general construction permit (has an NOI been submitted)?	YES	

MS4-Owned Construction Projects			
Interview Questions	Response		
If contracted planners and engineers are used for the design of MS4-owned projects, does the contract language specify that sediment and erosion control and post-construction storm water BMPs be incorporated into the design?	<p>YES</p> <p>Scope specifies that project design must meet minimum requirements of the Ohio EPA General Storm Water NPDES Permit for Construction Activities.</p>		
Are municipal construction projects inspected for compliance with the SWP3?	YES		
Are they inspected with the same frequency for BMP compliance as a private construction project?	YES		
Who inspects municipal construction projects for compliance?	Stark SWCD		
<i>NOTE: To avoid a conflict of interest, the firm or department that designed the SWP3 should not also inspect the site for compliance.</i>			
Project inspectors trained?	YES		
If contracted inspectors are utilized, are minimum inspection, maintenance and reporting requirements specified in the contract?	N/A		
For municipally-owned post-construction BMPs, how often are they inspected to ensure long-term maintenance?	Based on long-term maintenance plan, but minimum is once per year.		
Which department is responsible for conducting these inspections?	Case-by-case per plan, but in practice, all BMPs are inspected by City Engineering Department.		
Applicable Documents		Reviewed	Obtained
MS4-owned project storm water design standards and/or checklist		YES	YES
Contract language for active public project not developed or inspected in-house		YES	YES

Outreach and Education	
Interview Questions	Response
Type of training provided to construction operators: Designers and Engineers:	See information folder provided by SWCD. They hold a countywide training event every year, but typically only draws 10 or less. City does not require attendance at the training event.

Attendance required?	No.		
Training frequency?	Training opportunity provided once per year.		
Number of operators trained:	Does not have documentation of which community the contractor is active.		
Training topics:	Sediment basin design, reading and understanding an SWP3, submittal requirements, post-construction BMP design requirements, basic ESC for contractors, review of erosion control practices.		
Presentations given by MS4 staff to professional groups?	YES Presentations have been given to various department heads.		
Brochures or outreach materials targeted at operators:	Brochures are provided to contractors and developers that attend training events, but City of Canton does not pass out brochures with building permits or zoning permits or with plan approval.		
How/when is the information distributed?	At training events.		
Website used to educate operators? Web address:	Yes. www.cantonohio.gov/engineering		
Applicable Documents		Reviewed	Obtained
Training materials		YES	YES
Brochures, outreach materials		YES	YES

Notes	
Education/ Outreach	
<p>Performance standards in the NPDES permit for your public education program require the City to target at least one storm water education message to the development community during this permit term. It appears that hosting a local ESC workshop may not be the most effective means to convey this message. The City should consider providing informational pamphlets to developers, builders and contractors at pre-construction meetings or with permits or plan approvals. The City Engineer or Stark SWCD may also speak at a local BIA or HBA meeting to inform members of local construction and post-construction requirements. Be sure that these efforts are reported under the Public Education section of the Annual Report.</p>	

CONSTRUCTION & POST-CONSTRUCTION FILE RECORDS REVIEW

In addition to interviewing staff, select 2 to 3 approved projects with erosion and sediment control plans to review with the permittee. You are essentially conducting a file review. Try to choose different project types (residential, commercial) and sizes. Also, if one exists, review a public project plan to see if the permittee is applying equivalent standards to municipal construction.

Construction Project #1 Name: Old Dominion Freight Lines (Mills Industrial Park)	
BMPs adequately incorporated into the plan to address erosion control, sediment control, and housekeeping?	YES
Design specifications and details for all BMPs included on the plans?	NO Most BMP specifications are located on the SWP3, but a spec for the sediment basin with specific elevations was not found on the approved SWP3.
Maintenance requirements specified?	YES
Have any NOV's or other enforcement actions issued for this site. <i>Obtain copies of NOV's. If none, why not?</i>	Non-compliance letters sent by the Stark SWCD are sent to Adam Maher of Dominion Freight Lines and faxed to Calvin Mertz of Furst Construction Co.
Notes:	
<p>The sediment basin is a regional basin that services not only the Old Dominion site, but other portions of the Mills Industrial Park development. Due to this fact, the sediment basin was not part of the submitted SWP3 for Old Dominion Freight Lines. Each SWP3 must be a stand-alone document. Thus, the SWP3 for Old Dominion should have included a detail drawing and supporting calculations for the sediment basin, even if it is just a copy of the information contained in the SWP3 for the Mills Industrial Park.</p> <p>A comment was made by Julie Berbari on March 26, 2010 suggesting that the L: W ratio be improved from a 2:1 ratio to a 4:1 ratio using a baffle, but the plan was not modified to add the baffle. The file did not contain an explanation as to why the plan was approved without addressing this concern.</p> <p>Furst Construction Company has an Individual Lot NOI for the site located within the Mills Industrial Park.</p>	

Construction Project #2 Name: City of Canton Fire Station #4 (re-development site)	
BMPs adequately incorporated into the plan to address erosion control, sediment control, and housekeeping?	<p style="text-align: center;">YES</p> <p>Silt fence, inlet protection, curb inlet protection, and a construction entrance are the BMPs incorporated into this site. A sediment trap where the old fire station is located is a sediment control the City should have considered as the primary sediment control for this site.</p>
Design specifications and details for all BMPs included on the plans?	YES
Maintenance requirements specified?	YES
<p>Have any NOV's or other enforcement actions been issued against this site?</p> <p><i>Obtain copies of NOV's. If none, why not?</i></p>	<p>One notice of Non-Compliance was sent to the City (Chris Barnes and Kerry Ball) on April 7, 2011 addressing sediment control issues. Following inspections on April 14, 2011 April 28, 2011 and May 9, 2011 noted similar issues including maintenance on the silt fence along the west end of the site and adding gravel to the construction entrance. No further enforcement action was taken on this site. According to the City's ordinance, this site would have been applicable for an additional NOV, weekly fines, as well as a stop work order if the problem continued. Inspection reports for this project show that the City lacks an enforcement escalation plan.</p>
<p>Notes:</p> <p>Augoro Construction Company (James L. Stuart) has a Co-Permittee NOI for this site. Augoro construction should be receiving inspection letters from the SWCD as well.</p> <p>A pre-construction meeting for the fire station construction was held after earth moving activity commenced on this site. The inspection letter dated October 27, 2011 was not sent as a notice of non-compliance or a NOV. According to the City's Ordinance 961-Storm water Management Exhibit A section 4.7, the project operators should have been subject to immediate enforcement action in the form of a NOV at minimum.</p> <p>From visiting the construction site, Ohio EPA noted that the curb inlet protection was never installed as shown on the SWP3.</p>	

Construction Project #3 Name: Colonial Village (individual lots)	
BMPs adequately incorporated into the plan to address erosion control, sediment control, and housekeeping?	YES
Design specifications and details for all BMPs included on the plans?	YES
Maintenance requirements specified?	YES
Have any NOV's or other enforcement actions been issued against the site? <i>Obtain copies of NOV's. If none, why not?</i>	Several NOV's were submitted consecutively to this site back in the summer of 2006 but no further enforcement action was taken. At this time, the site is labeled as a limited activity site and inspection reports are submitted every 4-8 weeks. Inspection letter are sent to the City of Canton and William Pender of AMC Land Company LTD.
Notes: Plan review for this project was quite thorough and plans were detailed and complete. At this time, the developer is the same as the builder and has Individual Lot NOIs on file.	

Now, select up to 3 projects from the NOI list that have been completed since the date that the community enacted its post-construction ordinance. Pick projects from a variety of project types (commercial, residential, institutional) and sizes (< 5 acres and 5 or more acres). If one exists, review a public project to ensure that plans included provisions for post-construction BMPs.

Post-Construction Project #1 Name: Fairhope Nature Preserve	
Date that project was accepted by community or otherwise deemed "completed"	The project is complete but the City is still working on the Long term Maintenance Plan for the basin. The long-term maintenance plan is a required component of the SWP3 and was to be developed prior to submitting the NOI to Ohio EPA.
Were post-construction BMPs provided for all drainage areas associated with the developed site?	NO
List the post-construction BMPs provided?	DA #1: Wet-extended detention basin – 216.7 acre drainage area. See notes below.

Post-Construction Project #1 Name: Fairhope Nature Preserve	
Design specifications and details for all BMPs included on the plans?	YES
Were post-construction BMPs selected appropriate for their drainage areas, site and soil conditions?	YES
Did the community verify the installation of post-construction BMPs per the approved plan at the time the project was completed?	No "as-built" inspection has been completed at this time. The final letter is to be submitted by the SWCD in the following week or so.
Does MS4 have a copy of the long-term maintenance plan?	YES The basin was changed from its original design to wet-extended detention basin, and the City is in the process of retrofitting the current LTMP.
Who does the plan say is responsible for long-term maintenance?	City of Canton
Has the MS4 conducted any long-term maintenance inspections or collected any long-term maintenance inspection reports from the responsible party? Obtain copy of latest inspection report.	No. Still in construction phase.
Notes: From the ME Companies notes on water quality calculations for the Fairhope basin, it appears that WQv was improperly calculated. The calculation shown on this page for the impervious area calculation addresses the area of the basin itself and not the full drainage area to the basin. The error in calculation means that the basin does not provide extended detention in compliance with NPDES permit requirements. This calculation error was not caught during the plan review process for this site.	

Post-Construction Project #2 Name: McDonalds on Harmont	
Date that project was accepted by community or otherwise deemed "completed"	The project was completed and told to submit an NOT on October 13, 2010.
Were post-construction BMPs provided for all drainage areas associated with the developed site?	YES
List the post-construction BMPs provided?	DA #1: Bioretention cell – 0.4 acres, which is greater than the required 20% of the total drainage area of the re-development site.

Post-Construction Project #2 Name: McDonalds on Harmont	
Design specifications and details for all BMPs included on the plans?	YES
Were post-construction BMPs selected appropriate for their drainage areas, site and soil conditions?	YES Re-development site
Did the community verify the installation of post-construction BMPs per the approved plan at the time the project was completed?	YES On October 13, 2011
Does MS4 have a copy of the long-term maintenance plan?	YES
Who does the plan say is responsible for long-term maintenance?	Dave Gnatowski
Has the MS4 conducted any long-term maintenance inspections or collected any long-term maintenance inspection reports from the responsible party? <i>Obtain copy of latest inspection report.</i>	YES The first long-term maintenance inspection was completed on the date of the EPA audit, but SWCD will probably return to the site to make sure nothing was missed.
Notes:	

Post-Construction Project #3 Name: Queen Ester Estates	
Date that project was accepted by community or otherwise deemed "completed"	October 31, 2008
Were post-construction BMPs provided for all drainage areas associated with the developed site?	YES
List the post-construction BMPs provided?	DA #1: dry extended detention basin - 4.96 acres
Design specifications and details for all BMPs included on the plans?	YES
Were post-construction BMPs selected appropriate for their drainage areas, site and soil conditions?	NO – The water quality orifice is small and may be difficult to maintain. It would have been more appropriate to incorporate enhanced swales or bioretention throughout the project rather than rely on a single, end-of-pipe BMP.

Post-Construction Project #3 Name: Queen Ester Estates	
Did the community verify the installation of post-construction BMPs per the approved plan at the time the project was completed?	<p style="text-align: center;">YES</p> <p>October 31, 2008</p>
Does MS4 have a copy of the long-term maintenance plan?	YES
Who does the plan say is responsible for long-term maintenance?	Don Whited
Has the MS4 conducted any long-term maintenance inspections or collected any long-term maintenance inspection reports from the responsible party? <i>Obtain copy of latest inspection report.</i>	<p style="text-align: center;">YES</p> <p>The last inspection was completed on May 25, 2011. The inspector noted a missing cap for the 4" PVC pipe to provide the 1" WQv orifice. The City will wait for correspondence from the responsible party that the violation has been corrected.</p> <p>Copies of past reports were also provided to the Ohio EPA.</p>
Notes:	
<p>Plan review for this project was quite thorough and plans were detailed and complete. The basin is designed to meet NPDES requirements and provides the proper 48 hour draw down time, 100% treatment of the WQv, and an additional 20% is treated in the forebay of the basin.</p>	

CONSTRUCTION FIELD REVIEW WORKSHEET

Name of MS4: City of Canton
MS4 Permit No: 3GQ00072*BG

Name of Site: Old Dominion Freight Lines	
Location: Mills Industrial Park	NPDES Permit # 3GC03116*AG
Date of Inspection: 6/7/11	Time of Inspection: 6:13 p.m.
Name of Inspector: Julie Berbari, Stark SWCD	
Others Present During Inspection	
Dan Bogoevski & Lindsie MacPherson, Ohio EPA	

1. Did MS4 inspector identify himself to the project superintendent or site foreman and state the purpose of his inspection?

The project superintendent was not present at the time the inspection was conducted, but the inspector will usually make an attempt to contact the operator when she is on site.

2. Did the MS4 inspector ask if any amendments have been made to the SWP3 since his or her last inspection?

No. The inspector indicated that plans were located on site, but the project superintendent was not present for the inspection.

3. Did the MS4 inspector review the site inspection reports required of the developer once every 7 days and within 24 hours of a 0.5-inch or greater rainfall?

The inspector indicated that she has recently started to review the developer's inspection reports when she is on site for her inspections, but this was not a common practice for her in the past.

4. Did the inspector reference the approved SWP3 or use it as the basis of his or her inspection?

The inspector was familiar with the SWP3 for this site, but she did not have the plans with her at the time of the inspection.

5. Did the inspector follow-up on any compliance issues found during his or her last inspection?

Yes. The inspector had requested that the developer temporarily seed the material stockpile, but no action had been taken on this issue of non-compliance.

6. Compliance issues identified by inspector during this inspection:

The inspector noted the erosion gullies forming along the embankment of the sediment basin. The inspector also made a comment about the L:W ratio back in 2010 to the developer but no action was taken.

She noted that all the runoff from the site is directed to the basin, which causes her to be slightly more lenient when inspecting other BMPs such as inlet protection and seeding.

Inspector noted the need to temporarily seed the bare and idle areas of the site along the basin. This has been an on-going issue with the site. The City should consider escalating enforcement to achieve compliance with stabilization requirements.

Inspector notes the large erosion gullies at the back of the site through the silt fence, but stated that the runoff is carried to the sediment basin by the diversion swale that surrounds the back of the site.

The inspector also noted that the concrete washout area was not being used and that washout areas were found all over the side of the site.

Inspector checked the fuel tank and noted a tipped over 55-gallon drum that was not in containment.

7. Deficiencies or NPDES violations not noted by the MS4 inspector during this inspection:

Inspector did not note that the concrete washout area should be located in an area where the pit will not receive run-on.

Inspector did not note the improper storage of the hydraulic oil at the front of the facility.

8. Did the MS4 inspector ask the project superintendent or site foreman to accompany him or her on the inspection?

No, because the project superintendent was not present at time of inspection. The inspector should make her presence on site known to the parties responsible for implementation and maintenance of storm water controls.

9. Did the MS4 inspector recap his findings upon completion of his or her inspection?

No, because the project superintendent or other responsible party was not on site at the time of inspection. The inspector should recap her findings with the project superintendent or construction site manager at the conclusion of the inspection.

10. Is the community planning on taking any enforcement actions based on the results of today's inspection? If so, what are those actions? (NOTE: Ask community to send you a copy of the enforcement action.) Did the inspector provide a deadline for corrective action? If so, provide details.

The inspector plans to send a Notice on Non-Compliance based on the results of the inspection.

INSPECTION PHOTOS

June 7, 2011

Taken By: Lindsie MacPherson, Ohio EPA, DSW, NEDO



Figure 1 (FT): Erosion gullies noted going into the sediment basin should be stabilized.

Figure 2 (RT): Diversion conveys runoff from the west side of the site to the sediment basin.



Figure 3 (LT): Silt fence is not properly installed. Sediment is evident beyond the silt fence.

Figure 4 (RT): Concrete trucks are washing out in areas other than the designated washout pit.



Figure 5 (LT): The drums displayed above require proper containment and storage.



Figure 6 (RT): This is not a proper location for the storage of these hydraulic fluid containers.

CONSTRUCTION FIELD REVIEW WORKSHEET

Name of MS4: City of Canton
MS4 Permit No: 3GQ00072*BG

Name of Site: City of Canton Fire Station #4	
Location: 2502 Cleveland Ave. NW	NPDES Permit # 3GC05009*AG
Date of Inspection: 6/7/11	Time of Inspection: 7:00 p.m.
Name of Inspector: Julie Berbari, Stark SWCD	
Others Present During Inspection	
Dan Bogoevski & Lindsie MacPherson, Ohio EPA	

1. Did MS4 inspector identify himself to the project superintendent or site foreman and state the purpose of his inspection?

The project superintendent was not present at the time the inspection was conducted. The project is a municipal construction project.

2. Did the MS4 inspector ask if any amendments have been made to the SWP3 since his or her last inspection?

No because project superintendent was not present.

3. Did the MS4 inspector review the site inspection reports required of the developer once every 7 days and within 24 hours of a 0.5-inch or greater rainfall?

No because project superintendent was not present.

4. Did the inspector reference the approved SWP3 or use it as the basis of his or her inspection?

The inspector was familiar with the SWP3 for this site, but she did not have the plans with her at the time of the inspection.

5. Did the inspector follow-up on any compliance issues found during his or her last inspection?

Yes. The inspector mentioned various violations that had been previously noted. Many of the maintenance issues were addressed, but there were still a few violations left unaddressed.

6. Compliance issues identified by inspector during this inspection:

The inspector noted that sediment was leaving the site and into the street along Cleveland Ave. There were many unprotected inlets along the street as well.

She also noted that the silt fence was installed improperly and removed in the front along Cleveland Ave. This is a repeated violation and should be subject to further enforcement.

She also noted that the trash on the site needs to be managed properly and that the dumpsters were not tarped.

Inspector also noted that the inlet protection on site was not installed properly.

7. Deficiencies or NPDES violations not noted by the MS4 inspector during this inspection:

Inspector did not note that a plywood board was used to block access to a storm sewer inlet at the southwest corner of the site. This is not a proper form of storm drain inlet protection, and should be addressed.

Inspector failed to note that the debris from the yard is not all clean fill and the pallets need to be removed before the City can bury the fill.

8. Did the MS4 inspector ask the project superintendent or site foreman to accompany him or her on the inspection?

No, because the project superintendent was not present at time of inspection. The inspector should make her presence on site known to the parties responsible for implementation and maintenance of storm water controls.

9. Did the MS4 inspector recap his findings upon completion of his or her inspection?

No, because the project superintendent or other responsible party was not on site at the time of inspection. The inspector should recap her findings with the project superintendent or construction site manager at the conclusion of the inspection.

10. Is the community planning on taking any enforcement actions based on the results of today's inspection? If so, what are those actions? (*NOTE: Ask community to send you a copy of the enforcement action.*) Did the inspector provide a deadline for corrective action? If so, provide details.

The inspector plans to send a notice on non-compliance based on the results of the inspection.



Figure 1(LT): Sediment has entered the street and there is no inlet protection provided to the curb catch basins. This is a compliance issue that should be addressed immediately.



Figure 2 (LT): The plywood board does not provide protection to the basin from storm water runoff and sediment.

Figure 3 (RT): Inlet protection has not been installed properly per the approved plans.



Figure 4 & 5: All dumpsters should be covered and drains plugged.



Figure 6 (LT): The pallets need to be removed from the fill material before the pile can be buried.

Figure 7 (RT): Better housekeeping practices should be enforced for this site to keep materials from exposure to storm water.

CONSTRUCTION FIELD REVIEW WORKSHEET

Name of MS4: City of Canton
MS4 Permit No: 3GQ00072*BG

Name of Site: Colonial Village	
Location: off Cleveland Ave	NPDES Permit # 3GC05244
Date of Inspection: 6/7/11	Time of Inspection: 7:30 p.m.
Name of Inspector: Julie Berbari, Stark SWCD	
Others Present During Inspection	
Dan Bogoevski & Lindsie MacPherson, Ohio EPA	

1. Did MS4 inspector identify himself to the project superintendent or site foreman and state the purpose of his inspection?

The project superintendent was not present at the time the inspection was conducted. SWCD labels this site as a “limited activity” site, and the site is only inspected every 6-8 weeks.

2. Did the MS4 inspector ask if any amendments have been made to the SWP3 since his or her last inspection?

No, because the project superintendent was not on site.

3. Did the MS4 inspector review the site inspection reports required of the developer once every 7 days and within 24 hours of a 0.5-inch or greater rainfall?

No, because the project superintendent was not on site.

4. Did the inspector reference the approved SWP3 or use it as the basis of his or her inspection?

The site is in the individual lot construction stage. The inspector did not have a SWP3 with her at the time of the inspection.

5. Did the inspector follow-up on any compliance issues found during his or her last inspection?

Inspector referred to her last inspection but no compliance issues were noted.

6. Compliance issues identified by inspector during this inspection:

Inspector noted the damage to the silt fence along the embankment to the creek. Inspector also noted the sediment build up in the creek.

7. Deficiencies or NPDES violations not noted by the MS4 inspector during this inspection:

None.

8. Did the MS4 inspector ask the project superintendent or site foreman to accompany him or her on the inspection?

No, because the project superintendent was not present at time of inspection. The inspector should make her presence on site known to the parties responsible for implementation and maintenance of storm water controls.

9. Did the MS4 inspector recap his findings upon completion of his or her inspection?

No, because the project superintendent or other responsible party was not on site at the time of inspection. The inspector should recap her findings with the project superintendent or construction site manager at the conclusion of the inspection.

10. Is the community planning on taking any enforcement actions based on the results of today's inspection? If so, what are those actions? *(NOTE: Ask community to send you a copy of the enforcement action.)* Did the inspector provide a deadline for corrective action? If so, provide details.

No specific actions were discussed during the inspection.

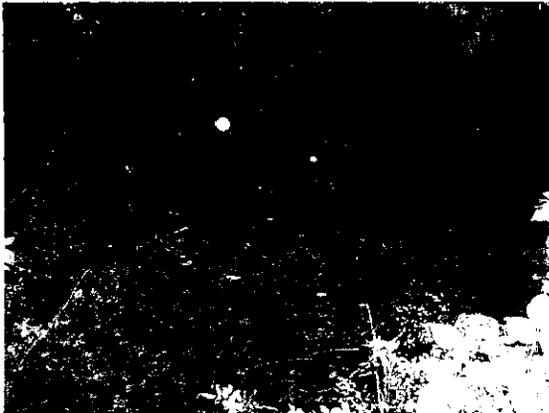


Figure 1: Sediment was observed in the adjacent stream. Perimeter silt fence should be repaired and the sediment trap cleaned as needed to restore storage capacity.

POST-CONSTRUCTION INSPECTION WORKSHEET

Name of MS4:	
City of Canton	
MS4 Permit No.:	
3GQ00072*BQ	

Name of Site: Fairhope Nature Preserve	
Location	NPDES Permit #3GC03880*AG
Date of Inspection: 6/7/11	Time of Inspection: 4:15 p.m.
Name of Inspector: Julie Berbari, Stark SWCD	
Post-Construction BMPs on this Site (list by drainage area)	
DA #1: wet extended detention basin with meadow base -- 250 acre drainage area	

1. Has the MS4 conducted an as-built inspection of the post-construction BMPs on this site?

Not at this time. The site is still considered to be in the construction phase, and will be completed within a week or two from the date of this inspection.

2. Using the approved post-construction plan on file with the MS4, verify that the planned BMPs have been installed. If a post-construction BMP has not been installed, what does the MS4 intend to do about it?

The inspector did not have the correct plans for the site but she knew she would have to return to do an inspection with the correct plans. It does appear that there was a miscalculation of the WQv. The drainage area used to calculate the WQv is the area of the basin itself and not the drainage area tributary to the basin, as required. Thus, this basin may not provide the full water quality benefit that was expected.

3. For post-construction BMPs properly installed, did the inspector use the approved long-term maintenance plan as his basis for inspection?

The LTMP for this basin is not complete, but will be finished in the near future.

4. Long-term maintenance issues noted by the MS4 inspector during this inspection.
NOTE: If maintenance issues are found, ask the MS4 to provide you with a copy of their notification to the responsible party.

This inspection is the inspector's first post-construction inspection for this BMP. The inspector noted that the cap from the clean out pipe was missing. She also noted that planting occurred in 2010, but the embankment and surrounding area required more stabilization.

The inspector also noted that the 8" water quality orifice looked slightly larger, possibly 12" and that she would return to reaffirm proper installation.

The inspector did check the plans, and the emergency spillway was designed properly as a 50 ft spillway. The inspector did not note the missing geotextile material under the spillway.

5. Did the MS4 inspector demonstrate knowledge of post-construction BMP function and essential long-term maintenance issues?

Yes.

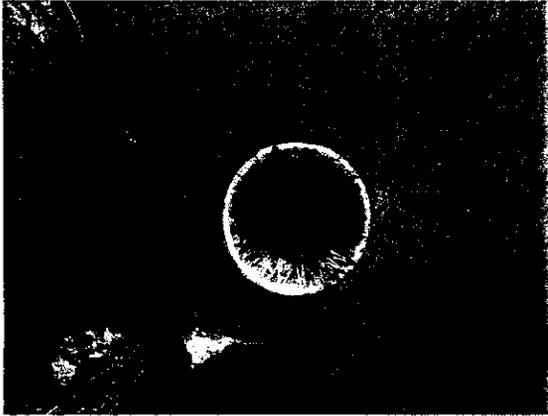


Figure 1 (LT): The cap to the clean out pipe is missing and must be installed.

Figure 2 (RT): The embankment slopes and surrounding area require additional stabilization.



Figure 3 (LT): The emergency spillway did not have geotextile underlayment.

POST-CONSTRUCTION INSPECTION WORKSHEET

Name of MS4: City of Canton	
MS4 Permit No: 3GQ00072*BG	

Name of Site: McDonalds Restaurant on Harmont	
Location: Harmont Ave and US 62	NPDES Permit #3GC04968*AG
Date of Inspection: 6/7/11	Time of Inspection: 5:00 p.m.
Name of Inspector: Dan Bogoevski and Lindsie MacPherson, DSW, NEDO	
Post-Construction BMPs on this Site (list by drainage area)	
DA #1: Bioretention cell – 0.4 acres	

1. Has the MS4 conducted an as-built inspection of the post-construction BMPs on this site?

Completed in 2010

2. Using the approved post-construction plan on file with the MS4, verify that the planned BMPs have been installed. If a post-construction BMP has not been installed, what does the MS4 intend to do about it?

Yes. The inspector verified the design and installation of the BMP.

3. For post-construction BMPs properly installed, did the inspector use the approved long-term maintenance plan as his basis for inspection?

No.

4. Long-term maintenance issues noted by the MS4 inspector during this inspection.
NOTE: If maintenance issues are found, ask the MS4 to provide you with a copy of their notification to the responsible party.

The inspector noted that mulch from the bioretention cell was floating and settling on the catch basin. Although this may eventually lead to blockage, a discharge was still occurring at the time of inspection.

After reviewing the files, it appears that an excessive amount of mulch may have been placed on the surface of the bioretention cell. Thus, the ponding volume provided to the top of the lower catch basin may be less than the required WQv. Mulch may have to be removed to restore the required ponding volume.

5. Did the MS4 inspector demonstrate knowledge of post-construction BMP function and essential long-term maintenance issues?

Yes.



Figure 1 & 2: The mulch in the bioretention cell appeared to be placed a little too high, compromising the storage volume of the facility.

POST-CONSTRUCTION INSPECTION WORKSHEET

NOTE: Use two of the post-construction sites you performed a file review on. This will speed up the inspection process since you will already have familiarity with the plan.

Name of MS4: City of Canton
MS4 Permit No: 3GQ00072*BG

Name of Site: Queen Ester Estates	
Location	NPDES Permit #3GC03513*AG
Date of Inspection: 6/7/11	Time of Inspection: 5:30 p.m.
Name of Inspector: Julie Berbari, Stark SWCD	
Post-Construction BMPs on this Site (list by drainage area)	
DA #1: Dry-extended detention basin with forebay	

1. Has the MS4 conducted an as-built inspection of the post-construction BMPs on this site?

Yes the project was completed in 2008.

2. Using the approved post-construction plan on file with the MS4, verify that the planned BMPs have been installed. If a post-construction BMP has not been installed, what does the MS4 intend to do about it?

Yes. The plans were reviewed and the BMP was designed properly, treating 100% the WQv plus the additional 20% provided in the forebay and a 48 hour draw down time.

3. For post-construction BMPs properly installed, did the inspector use the approved long-term maintenance plan as his basis for inspection?

Inspector indicated that the spillway was improperly placed along the embankment and that a plan is in place to eventually move the spillway. This was a mistake in the review process.

4. Long-term maintenance issues noted by the MS4 inspector during this inspection.
NOTE: If maintenance issues are found, ask the MS4 to provide you with a copy of their notification to the responsible party.

The inspector noted that the cap on the 4-inch PVC pipe is missing. The cap provides the 1-inch WQv orifice. She stated that a letter has been sent to the responsible party stating that the cap must be replaced.

Also, the access to the outlet is very steep making it difficult to inspect.

5. Did the MS4 inspector demonstrate knowledge of post-construction BMP function and essential long-term maintenance issues?

Yes.



Figure 1: The water quality cap was missing from the outlet structure.