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STARK

MASSILLON

CITY OF MASSILLON

3GQ00063 2010/06/16

BOGOEVSKI,
DANIEL

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**Environmental
Protection Agency**

Ted Strickland, Governor
Les Fisher, Lt. Governor
Chris Jones, Director

June 15, 2010

RE: STARK COUNTY
TUSCARAWAS RIVER WATERSHED
CITY OF MASSILLON
MUNICIPAL STORM WATER INSPECTION
REPORT – MCM #6

NOTICE OF VIOLATION

Mr. Michael Loudiana
Director of Public Service and Safety
City of Massillon
151 Lincolnway East
Massillon, OH 44646

Dear Mr. Loudiana:

Ohio EPA has completed an audit for a portion of your municipal storm water program. Our audit primarily focused on implementation of minimum control measure (MCM) #6: Pollution Prevention and Good Housekeeping for Municipal Operations. This program is a requirement of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewers Systems (MS4s) OHQ000063*BG and Ohio Administrative Code 3745-39.

On May 14, 2010, Dan Bogoevski and Phil Rhodes met with you and other representatives of the City of Massillon 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 the Municipal Storm Water Program Evaluation Guide developed by the United States Environmental Protection Agency.

Attached are the Municipal Storm Water Program Evaluation and Field Inspection Worksheet(s) completed for your community. Please review these documents in detail to determine specific elements where your pollution prevention and good housekeeping program needs improvement. In addition, you will find comments suggesting ways to make improvements to your MS4 program. The following is a summary of our audit findings:

Violations

- **Failure to implement procedures for the proper disposal of waste removed from your MS4.** This is a violation of Part III.B.6.d.iii.3 of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. This violation pertains to improper management of street sweepings and catch basin cleanings at the Massillon Service Garage. The City has been accumulating catch basin cleanings mixed

with street sweepings at this facility over a number of years. Street sweepings and catch basin cleanings are solid wastes and must be disposed of properly. Open dumping of catch basin cleanings and street sweepings at the Service Garage constitutes improper disposal of solid waste.

Storm water that contacts solid waste or liquids that seep from solid waste are defined as leachate. The NPDES permit for small MS4s does not authorize the discharge of leachate from municipal operations. The current storage areas for catch basin cleanings and street sweepings do not prevent the discharge of leachate to the MS4 or to waters of the state. The City must implement controls to prevent the discharge of leachate if these solid wastes will continue to be temporarily stored at a municipal facility.

- **Failure to implement controls to reduce or eliminate the discharge of pollutants associated with salt storage locations.** This is a violation of Part III.B.6.d.iii.2 of the NPDES permit and ORC 6111.04 and 6111.07. The salt storage dome at the Massillon Service Garage does not provide adequate cover for salt supplies and does not include sidewalls to prevent containment or prevent run-on. The salt storage dome and salt/grit mixing area is located immediately upslope of a storm sewer inlet. The salt storage dome and mixing areas must be improved to minimize the exposure of salt to precipitation and to allow good housekeeping measures to be employed to remove salt which becomes exposed during truck loading and salt/grit mixing operations.
- **Failure to obtain industrial storm water permit coverage for the Massillon Wastewater Treatment Plant.** This is a violation of Ohio Administrative Code 3745-39-04 and ORC 6111.04. The Massillon Wastewater Treatment Plant is a treatment works for domestic sewage with a design flow of 1.0 MGD or greater and is required to have a pretreatment program. As such, the facility is subject to industrial storm water permitting requirements. Our inspection of the facility indicated that pollutants are potentially exposed to storm water at the peroxide tank loading area and rag dumpster. As such, the City obtain NPDES permit coverage for storm water discharges associated with industrial activity. The City may choose to modify its existing NPDES permit to include Parts IV, V and VI, i.e., add storm water language, or submit a Notice of Intent (NOI) to obtain coverage under the Ohio EPA General Storm Water NPDES Permit for Industrial Activity #OHR000004. Obtaining NPDES permit coverage will require the City to develop and implement a Storm Water Pollution Prevention Plan (SWP3) for the facility. If the City elects to modify its existing NPDES permit to add storm water language, please contact Todd Surrena in our office at (330) 963-1255 for further instructions. General permit coverage can be obtained by submitting a Notice of

Intent (NOI) to our Central Office. An NOI and instructions can be downloaded at www.epa.ohio.gov/dsw/storm/stormform.aspx.

The City may also take measures to eliminate exposure of pollutants to storm water at the WWTP and submit a No Exposure Certification once a condition of "no exposure" is achieved. For further information on this option, please refer to guidance from the United States EPA at http://cfpub.epa.gov/npdes/stormwater/exposure.cfm?program_id=6.

- **Failure to include all new development and redevelopment projects where the larger common plan of development or sale disturbs 1 or more acre in your post-construction storm water management program.** This is a violation of Part III.B.5.a of the NPDES permit and ORC 6111.04 and 6111.07. The local ordinance for post-construction storm water management excludes the Central Business District from complying with water quality provisions. The local ordinance must be modified to remove this exclusion.
- **Failure to provide at least one training event for municipal employees on storm water pollution prevention during 2009.** This is a violation of Part III.B.6.e of the NPDES permit and ORC 6111.04 and 6111.07. Beginning in 2009, the NPDES permit requires the City to conduct training of municipal staff annually. No training was provided in 2009. Ohio EPA recommends that training be focused to one department per year and the materials presented be specific to the work conducted by that department. Only departments whose operations can affect compliance with the SWMP need to be provided with training. The City may conduct its own training or rely on training provided by others. See attached report for suggestions on where training materials can be obtained.

Further, please provide documentation to demonstrate that the City conducted at least one employee training on storm water pollution matters during the time period of April 2003 through March 2008. To demonstrate compliance, please provide a copy of sign-in sheets with employee signatures certifying attendance or certificates of attendance, **and** the agenda, presentation or training materials used to conduct the training. During the interview, it was stated that Stark SWCD provided training in 2008 but no documentation was provided.

Deficiencies

- The City has not yet developed a SWP3 for the Massillon Service Garage and Parks & Recreation Maintenance Garage. The City is required to develop and implement the plans for these facilities **by June 24, 2011**. In addition, as noted above, a SWP3 is also required for the Wastewater Treatment Plant.

- Please be sure that the inventory of municipal operations subject to MCM #6 is up-to-date in the master copy of the City's SWMP. A review of the 2009 Annual Report shows that the City only lists the Massillon Wastewater Treatment Plant as being subject to the NPDES storm water permit program. Although this facility may be the only one subject to industrial storm water permitting, our audit revealed that the City also operates a municipal maintenance facility at 401 Walnut St SW, a maintenance garage for the Parks and Recreation Department and various parks, cemeteries and municipal buildings. Although an SWP3 is not required for all of these facilities, the inventory of municipal operations should include all facilities operated by all departments.
- Although the City contracts with Stark SWCD to inspect privately-owned post-construction storm water best management practices (BMPs), it does not proactively inspect publicly-owned storm water management facilities. Publicly-owned facilities should be inspected per a schedule set in your Storm Water Management Plan (SWMP). Ohio EPA recommends that facilities be inspected at least once per year rather than only in response to a blockage event. Ohio EPA further recommends that a checklist be used when conducting inspections. Not only will this create documentation that an inspection has occurred, but inspections will be more consistent amongst inspectors. This will also allow the City to track when facilities are inspected and what their maintenance needs are.
- The City does not track street sweeping activities with any level of detail. It is believed that all streets are swept at least once per year, but there is no documentation to demonstrate which streets were swept and when, or to even show that all streets were swept in 2009. Ohio EPA recommends that the City improve its record keeping regarding street sweeping activities to ensure it is complying with the SWMP.
- Deicer application records were not available at the time of audit. The City indicated that the foreman tracks purchases and the number of truckloads used per event. The City further indicated that it mixes road salt with grit. Please submit available records pertaining to the amount and type of deicer applied during the 2009-2010 winter season or the last year for which records are available.
- Please provide me with a copy of the fertilizer, pesticide and herbicide application plan for the Legends Golf Course. Indicate how the plan minimizes the use of these materials and reduces the discharge of pollutants to the MS4.

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- The City needs to develop an employee training program for storm water pollution prevention or incorporate storm water pollution prevention training into existing training programs where appropriate, e.g., training for new hires at the Massillon Service Garage. The City can reinforce employee training by making guidebooks and posters available to maintenance staff at or near their work stations. No such materials on storm water pollution prevention are provided to maintenance staff at this time.

Please review my comments and provide me with a letter of response indicating the actions you will take to address my concerns. A schedule should be provided by which actions will be taken. **Your response should be received no later than July 16, 2010.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2010 will be due on April 1, 2011.

If you have any questions, please contact me at (330) 963-1145 or via e-mail at dan.bogoevski@epa.ohio.gov.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

- cc: Francis Cicchinelli, Jr., Mayor, City of Massillon
Julie Barbari, Stark SWCD
Phil Rhodes, Ohio EPA, DSW, NEDO
Todd Surrena, Ohio EPA, DSW, NEDO
- ec: Keith Dylewski, P.E., City Engineer, City of Massillon
Keith Bledsoe, Superintendent, Massillon WWTP
Kenneth Kaminski, Director, Parks & Recreation