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STARK

MASSILLON

PERRY TOWNSHIP BOARD OF
TRUSTEES

3GQ00053 2009/09/28

BOGOEVSKI,
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State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

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

September 25, 2009

RE: **STARK COUNTY
TUSCARAWAS RIVER BASIN
PERRY TOWNSHIP
MUNICIPAL STORM WATER PROGRAM
AUDIT FINDINGS – MCM #6**

Joyce Fetzer , Township Administrator
Perry Township
3111 Hilton Street NW
Massillon, OH 44646

Dear Ms. Fetzer:

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) #3GQ00053*BG and Ohio Administrative Code 3745-39.

On August 17, 2009, the Ohio EPA met with you and other representatives of Perry Township 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 improve your MS4 program. The following is a summary of our audit findings:

Violations:

- **Failure to provide controls for reducing or eliminating the discharge of pollutants from maintenance and storage yards at the Road Department facility.** This is a violation of Part III.B.6.d.iii.2 of the Small MS4 NPDES Permit #OHQ000002 and Ohio Revised Code (ORC) 6111.04 and 6111.07. This violation was noted for the following operations at maintenance and storage yards:
 - Failure to prevent the discharge of leachate from stockpiles of catch basin cleanings and street sweepings
 - Failure to control the discharge of leachate from open dumping of stockpiled roadkill
 - Failure to direct wastewater generated during vehicle and fleet washing operations to a sanitary sewer system or other wastewater treatment system

- Failure to provide secondary containment around storage drums of used oil and other chemicals used in Township operations
- Failure to provide cover over solid waste dumpsters so as to prevent storm water from contacting solid waste and creating leachate

The MS4 permit does not authorize the township to discharge leachate or wastewater, thus controls for these unauthorized discharges must be implemented immediately. Further, measures must be taken to minimize the potential for discharges of pollutants to the MS4. Implementing practices such as secondary containment and lidded dumpsters achieve this goal. Please review the comments within the attached *Municipal Storm Water Program Evaluation and Maintenance Facility Field Inspection Worksheets* regarding these operations.

- **Open dumping of solid wastes at the Road Department facility.** This is a violation of ORC 3734.03 and OAC 3745-27-05(C). In addition to the aforementioned stockpiles of catch basin cleanings and street sweepings, which are defined as solid waste, the township stockpiles collected road kill at this facility. These actions are considered open dumping. Measures must be taken to properly store and manage these solid wastes at the Road Department facility. See comments in the attached worksheets for suggestions and recommendations. If you desire to operate an animal composting facility, you must obtain a Class II Composting license as described in OAC 3745-37-01. This matter will be referred to the Stark County Health Department (SCHD) and the Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) for follow-up.

Deficiencies:

- The Township has not developed a Storm Water Pollution Prevention Plan for the Road Department and Vehicle Maintenance Garage at the Administration Offices and does not conduct regular inspections of storm water BMPs at these facilities. Please be aware that an inspection (with a checklist) must be conducted at least once per year during the next permit cycle in correspondence with the Township's SWP3s for these facilities. Please reference the Ohio EPA General Storm Water NPDES Permit for Industrial Activities #OHR000004 Part IV. D.2.a.1 for more information on the development of the site maps for the SWP3s as well as the SWP3 Template for Municipal Maintenance Facilities available on-line at www.epa.ohio.gov/ocapp/storm_water.aspx. You may also find useful the national guidance for industrial storm water pollution prevention plans provided by the US EPA at www.epa.gov/npdes/stormwater. Please be aware that the Township must have the SWP3s for these facilities developed and implemented no later than June 4, 2011.
- The Township does not currently track the amount of catch basin cleanings and street sweepings removed from the MS4. Please be aware that the Annual Report form requires this information to be reported to Ohio EPA beginning with the 2009 report due April 1, 2010. As such, please begin tracking this information.

- The Township has not developed a system to enforce long-term maintenance of post-construction BMPs. Although Stark Soil & Water Conservation District (SWCD) provides annual inspections of post-construction BMPs, please be aware that they have no enforcement authority. Rather, they are providing the Township with reports that note long-term maintenance problems that must be fixed. It is up to the Township to track these reports and initiate enforcement action against those that fail to fix the problems. The Township must develop a protocol for enforcement of the long-term maintenance program for post-construction BMPs.
- The Township has not provided any storm water pollution prevention guidance materials to field staff. By making materials available to staff at the field level, implementation of storm water BMPs should improve.
- The Township mixes grit with road salt for deicing activities. ***Please identify the composition of the grit.*** Be aware that Ohio EPA has discovered instances where grit used for roadway deicing is a regulated solid waste. Distribution of this material on township roadways would be considered open dumping. If the Township will continue to use grit, please be aware that it is the Township's responsibility to assure that the grit is approved for beneficial reuse for roadway deicing. In addition, be aware that using grit will introduce suspended solids to the MS4. If you will continue to use grit, you may have to implement a more proactive ditch and catch basin cleaning program, a targeted street sweeping program in the Spring and after snowmelts, or provide screens and other catch basin inserts to collect suspended solids from the MS4.
- The Township has not adopted sensible salting practices. Because there are no practical and effective BMPs to treat or collect road salt once it has been applied, the focus must be on source control. Reducing the amount of salt applied is critical to meeting this goal. Please refer to the sensible salting practices developed by the Cuyahoga County Service Directors' Association:
 - Limited salting during the late evening/early morning hours. During periods of snowfall between the hours of approximately 11pm – 4am, the effectiveness of salting is minimal due to low traffic volumes. The goal of the service department during this timeframe will be to provide "passable roadways," defined as roadways that are "free from drifts, snow ridges and as much ice and snow pack as is practical; roadways which can be traveled safely at reasonable speeds." Intersections, hills, curves and bridges will be salted on main roads during these hours. Plowing and salting of main roads beginning at 4am will provide adequate time to prepare the roads for the rush hour.
 - Limited salting during heaving snow events. During periods of 1" of snow or more per hour, main roads will be plowed as frequently as possible, but will only be salted at intersections and stop signs, hills, curves and bridges. "Spot salting," defined as "intermittent spreading of salt at 150 ft. intervals," will also be utilized when practicable.

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- Limited salting on secondary roads. Secondary roads will be plowed as often as possible, but will only be salted within 200 feet from each intersection and stop signs, hills, curves and bridges. Spot salting will be used on secondary roads when practical.
- Proper training of employees and communication of this policy. Snow removal crews have been properly advised of these sensible salting practices and are instructed to follow the guidelines set forth herein.
- The Township needs to assure contract language/agreements specify that storm water BMPs must be implemented by a third party, when said third party is relied upon to enact a BMP. Please be sure to add this language to any future requests for proposal or contracts you sign with third party service providers whose activities can create storm water pollution.
- Although an inventory of municipal operations is included in the Storm Water Management Plan (SWMP), the Township needs to update it because it is not complete. Please refer to the section of the *Municipal Storm Water Program Evaluation* sheet titled "Facilities Operation & Maintenance" to be sure the inventory includes all of these operations.

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 October 30, 2009.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2009 will be due on April 1, 2010.

If you have any questions, please contact me at (330) 963-1128, or via e-mail at dan.bogoevski@epa.state.oh.us.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB:cl

cc: John R. Masalko, Road Superintendent
Todd Paulus, Stark County Health Department
Josh Adams, Ohio EPA, DSIWM, NEDO
Dean Stoll, Ohio EPA, DSW, NEDO
Brian Prunty, Stark SWCD