

Environmental
Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

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July 15, 2010

RE: LORAIN COUNTY
BLACK RIVER WATERSHED
CITY OF LORAIN
MS4 PROGRAM

NOTICE OF VIOLATION

Mr. Dale Vandersommen
Storm Water Program Coordinator
City of Lorain
200 West Erie Ave., 4th Floor
Lorain, OH 44052

Dear Mr. Vandersommen:

On July 15, 2010, the Ohio EPA Division of Surface Water (DSW) received a complaint from a citizen of your community that her neighbors were washing out grease from deep fryers into the City of Lorain municipal separate storm sewer system (MS4). The complainant states that Lynn & Thomas McGuire of 2307 Harborview Blvd have dumped grease into the City of Lorain MS4 on at least 4 occasions from 2007 to present. Further, the complainant states that in response to the latest incident on July 8, 2010, the grease was "cleaned-up" by the City of Lorain Fire Department by treating it with laundry detergent and hosing it into the MS4.

Our records indicate that the City of Lorain has obtained authorization to discharge municipal storm water under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Small MS4s #3GQ00119*BG. Further, our records indicate that the City of Lorain has enacted Municipal Ordinance #1535: Illicit Discharge and Illegal Connection Control as required by Part III.B.3 of the NPDES permit.

Please be aware that the complaint indicates possible violations of the NPDES permit and illicit discharge detection and elimination (IDDE) program required by the NPDES permit. In particular:

- **This discharge constitutes an illicit discharge to the City of Lorain MS4.** Please provide me with a copy of all Notices of Violation, as described in Part 1535.09 of the municipal code, which have been sent to Lynn and Thomas McGuire regarding fryer grease discharges to the MS4. Further, because this has been a repeated incident without resolution, describe any escalation of enforcement that has occurred beyond the issuance of an NOV. Part III.B.3.d of

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the NPDES permit requires the City of Lorain to enforce its IDDE ordinance. Please provide me with a copy of your IDDE enforcement escalation plan or policy.

- **Please provide me with documentation that the Service, Safety and Fire Departments have received training on the IDDE program. Further, please provide me with documentation that the general public has been informed of the hazards associated with illegal dumping into the MS4.** Part III.B.3.f of the NPDES permit requires the City of Lorain to inform public employees, businesses and the general public of hazards associated with illegal discharges and improper disposal of waste. Per the complainant, in her dealings with Robert Gilchrest, Service Director, and Phil Dore, Safety Director, at no time did they indicate to her that this incident constitutes a violation of the IDDE ordinance. In addition, the Fire Department responded to the incident by hosing pollutants into the MS4 rather than employing dry clean-up methods such as absorbents and vacuum sweeping that reduce the discharge of pollutants to the MS4.

Further, this incident indicates that the municipal storm water program is not administered cohesively across departments. Although the Engineering Department has the responsibility of implementing and managing the illicit discharge program, the complainant has never been contacted by the Engineering Department after lodging her complaint with the City. In addition, other department heads seem unaware of the IDDE program or the local IDDE ordinance. All department heads need to be aware of how this program affects their department and the changes that need to be made to their operations as a result. Please describe the training you will provide to these departments on illicit discharge and how implementation of the IDDE program will change the operations of the Service, Safety and Fire Departments.

In addition to this complaint, DSW has also received notice from our Division of Solid and Infectious Waste Management (DSIWM) that pollution prevention practices are not being implemented at the City of Lorain Streets Department facility located at 114 East 35th St. During their visit to the facility on July 7, 2010, Clarissa Gereby noted that wastewater created by rinsing off painting equipment had been discharged to the ditch that conveys runoff from the facility. During the MS4 inspection conducted at this same facility on May 27, 2010, I pointed out to you that no equipment is to be hosed off outside into this ditch as it results in an unauthorized discharge of wastewater to the City of Lorain MS4. Apparently, no changes have been made to the operations at the Streets Department in response to our inspection.

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Although a full report on my inspection findings is forthcoming, please be aware that **failure to adopt pollution prevention and good housekeeping practices at the Streets Department is a violation of Part III.B.6 of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation. Please provide me with a letter of response indicating the corrective actions you have taken or will take to address this violation. Further, please provide the requested information so that Ohio EPA can determine if violations of the IDDE program have occurred. Your response must be received **no later than August 4, 2010.**

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Anthony Krasienko, Mayor, City of Lorain
Robert Gilchrist, Service Director, City of Lorain
Phil Dore, Safety Director, City of Lorain
Chuck Camera, Streets Commissioner, City of Lorain
Clarissa Gereby, Ohio EPA, DSIWM, NEDO
Bart Ray, Ohio EPA, SIU, NEDO
Mark Mann, Storm Water and Enforcement Sections Manager, DSW, CO