

**Environmental  
Protection Agency**

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

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August 10, 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., 4<sup>th</sup> Floor  
Lorain, OH 44052

Dear Mr. Vandersommen:

Ohio EPA is in receipt of the City of Lorain's response letter dated August 4, 2010, to our Notice of Violation dated July 15, 2010. After review of the response, the Agency notes these additional violations of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #3GQ00119\*BG related to the illicit discharge incidents at 2307 Harborview Blvd. and at the Streets Department facility at 114 E. 35<sup>th</sup> Street.

- **Failure to enforce Municipal Ordinance #1535: Illicit Discharge and Illegal Connection Control.** This is a violation of Part III.B.3.d of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. The Illicit Discharge Detection & Elimination (IDDE) program is administered through the City of Lorain Engineering Department, yet the illicit discharge incident at 2307 Harborview Blvd. was not reported to the Engineering Department. Even after the Engineering Department became aware of the incident, the City has not taken any action against the party that violated the IDDE ordinance.
- **Failure to implement the storm water pollution prevention training program for municipal employees at the Streets Department, Fire Department and with department heads affected by the MS4 program.** This is a violation of Part III.B.6.a of the NPDES permit and ORC 6111.04 and 6111.07. A review of City of Lorain municipal storm water program training records indicates that only employees of the Sewer Department and two municipal wastewater treatment plants have received training on storm water pollution prevention. The Fire Department and Streets Department have not received this training to date. Thus, when the illicit discharge incident occurred at 2307 Harborview Blvd., it was never reported to the Engineering Department, i.e., the administrator of the City of Lorain IDDE program. Further, the City of Lorain Fire Department contributed to the problem by washing the grease into the MS4. Properly training municipal employees on the IDDE ordinance and appropriate spill response is vital to a successful MS4 program.

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In addition, the response received is inadequate to address these violations and the violation noted in my letter dated July 15, 2010. In particular, the City of Lorain must:

- Identify the steps it will take or has taken to enforce Municipal Ordinance #1535 in regards to the illicit discharge ordinance at 2307 Harborview Dr. Provide Ohio EPA with copies of any correspondence or enforcement actions taken against the party that caused the violation of the municipal ordinance. Once the matter has reached resolution, Ohio EPA requests the City to notify us of the outcome.
- Provide Ohio EPA with a schedule by which you will provide training on storm water pollution prevention to municipal employees that have not yet received it. Training will be most effective if it is tailored to each department and its specific tasks. Ohio EPA encourages you to work with each department head to identify the tasks most likely to create storm water pollution and the measures that can be taken to prevent pollutant discharge.
- Develop and implement a Storm Water Pollution Prevention Plan (SWP3) for the Streets Department facility. Although the MS4 program provides the City with a deadline of June 4, 2011, to develop and implement this plan, the NPDES permit does not authorize illicit discharges from the Streets Department facility. Each incident is a violation of ORC 6111.04 and 6111.07 and is subject to penalties of up to \$10,000 per day of violation. The City should work to develop and implement an SWP3 at the Streets Department as soon as possible to address this liability. Please provide me with a date by which you intend to develop and implement the SWP3 for the Streets Department.

Please provide me with the requested items **no later than August 23, 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 Gilchrest, Service Director, City of Lorain  
Phil Dore, Safety Director, City of Lorain