



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 1, 2009

RE: LORAIN COUNTY  
BLACK RIVER WATERSHED  
VILLAGE OF GRAFTON  
MUNICIPAL STORM WATER PROGRAM

**NOTICE OF VIOLATION**

Mr. Rick Kowalski, Administrator  
Village of Grafton  
960 Main Street  
Grafton, OH 44044

Dear Mr. Kowalski:

On July 2, 2009, Ohio EPA sent the attached correspondence notifying you of violations associated with your municipal storm water program. In response, Ohio EPA received a CD-ROM containing the Codified Ordinances of Grafton, Planning and Zoning Code, Part 12. After review of the material on the CD-ROM, please be aware that the information on the disc does not address the violations noted in the July 2, 2009, letter. As such, it appears that the Village of Grafton remains in violation of Part 3.2.3.1.3, 3.2.4.1.1 and 3.2.5.1.3 of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #OHQ000001 and Ohio Administrative Code 3745-39-03 for failure to enact the ordinances required by the MS4 permit.

The NPDES permit for small MS4s requires the Village of Grafton to adopt local ordinances to:

1. Prohibit illicit discharges to the MS4, authorize the Village to investigate potential sources of illicit discharge and take action to eliminate them;
2. Authorize the Village to review plans for sediment and erosion control and controls for non-sediment pollutants on construction sites, and the sanctions needed to ensure their implementation; and
3. Establish requirements for post-construction storm water practices in the Village. This program typically has both a structural and non-structural component and must address the quality of runoff generated by the developed site. The structural component requires the implementation of permanent treatment devices to address the Water Quality Volume (WQv). The non-structural component acts to reduce the creation of runoff through site design and to protect the natural ability of streams and wetlands to detain and improve storm water quality.

Model ordinances to establish a baseline program are available from a number of resources including local agencies such as the Northeast Ohio Areawide Coordinating Agency (NOACA) and the Chagrin River Watershed Partners (CRWP). Please review information on their respective Web sites at [www.noaca.org](http://www.noaca.org) and [www.crwp.org](http://www.crwp.org) for more information.

Mr. Rick Kowalski  
Village of Grafton  
September 1, 2009  
Page 2

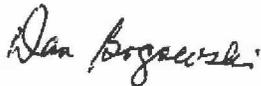
Please provide me with a letter of response that includes the Village's intended schedule to introduce and adopt the required legislation. Your response must be received **no later than September 18, 2009**. If you believe that the Village has already adopted the appropriate ordinances to comply with your municipal storm water permit, your response must include a copy of the ordinances. Please identify the specific sections of those ordinances which you feel constitutes compliance.

Please note that for the construction and post-construction ordinances, the current general MS4 permit (#OHQ000002) requires these ordinances to meet the minimum requirements contained in the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 (available on-line at [www.epa.ohio.gov/dsw/storm/stormform.html](http://www.epa.ohio.gov/dsw/storm/stormform.html)). The Village of Grafton must comply with this requirement. The construction and post-construction model ordinances by CRWP have been reviewed by Ohio EPA for compliance with this requirement. The agency has not reviewed the NOACA ordinances to assure that they have been updated to meet the current requirements.

Failure to comply with an NPDES permit is a violation of Ohio Revised Code (ORC) 6111.04 and 6111.07. Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

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 Robinson, Ohio EPA, Storm Water Section, DSW, CO  
Mark Mann, Enforcement and Storm Water Sections Manager, Ohio EPA, DSW, CO  
Shari Szczepanski, Mayor, Village of Grafton