

**Environmental
Protection Agency**

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

F

December 21, 2010

RE: LORAIN COUNTY
GRAFTON TOWNSHIP
MUNICIPAL STORM WATER PROGRAM

NOTICE OF VIOLATION

CERTIFIED MAIL

Michael Podulka, Trustee
Grafton Township
17109 Avon Belden Rd
Grafton, OH 44044

Dear Mr. Podulka:

On June 3, 2010, Ohio EPA sent you a Notice of Violation (NOV) regarding the failure to submit the Annual Report for 2009 required by the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #3GQ00051*BG. As its name implies, the Annual Report must be submitted each year. Part IV.C of the NPDES permit requires the Annual Report to be submitted to Ohio EPA no later than April 1st of the year following the reporting period. Thus, the Annual Report for 2009 was due April 1, 2010.

On December 10, 2010, I contacted you by telephone and informed you of this on-going violation of the NPDES permit. You indicated that I would receive a copy of the plan no later than December 17, 2010. This letter will serve as notice that I have still not received the Annual Report for 2009. Thus, **Grafton Township remains in violation of Part IV.C of the NPDES permit.** Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07. Violations of ORC 6111 are punishable by fines of up to \$25,000 per day of violation.

Please submit your Annual Report for 2009 to me **no later than January 14, 2011.** The Small MS4 Annual Report form can be found on our website at www.epa.ohio.gov/dsw/storm/stormform.aspx. It should be noted that Ohio EPA has sent NOV's to Grafton Township for failure to submit the Annual Report for 2003, 2004, 2005 and 2006. Although these violations were subsequently corrected, Grafton Township has demonstrated repeated non-compliance with this provision of the NPDES permit. As a reminder the Annual Report for 2010 will be due April 1, 2011.

I have also enclosed a copy of our letter dated November 10, 2008, indicating other on-going violations of your MS4 program. Ohio EPA would like to clarify the status of these violations.

- **Illicit Discharge Rules.** Although I am aware that Lorain County enacted countywide illicit discharge rules on June 23, 2010, our files do not indicate that Grafton Township has entered into a memorandum of understanding (MOU) with the County to enact the illicit discharge detection and elimination (IDDE) program on behalf of the Township. In speaking with Jerry Innes, Assistant County Prosecutor, he indicated that an MOU for this program has been executed between the Township and the County. Please provide me with a copy.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

MICHAEL PODULKA, TRUSTEE
DECEMBER 21, 2010
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- **Post-Construction Rules.** Similarly, Lorain County enacted post-construction storm water management rules on November 19, 2009. Nancy Funni at Lorain Soil and Water Conservation District (SWCD), co-administrator for the County rules, indicates that an MOU between the County and Township was enacted for this measure, but it was terminated by the SWCD Board on April 23, 2010. Part III.C of the NPDES permit allows Grafton Township to enter into agreements with other entities to implement requirements of the NPDES permit, however the Township must maintain a written agreement with the party(ies) that are implementing control measures on your behalf. Thus, until the MOU is re-executed with Lorain SWCD or other appropriate entity, or the Township establishes its own post-construction program, Grafton Township appears to be in violation of the NPDES permit. Please review the status of your MOU with Lorain SWCD and provide me with your determination of how the Township wishes to implement its post-construction program.
- **Deficiencies in SWMP Plan.** Our files do not indicate that Grafton Township has ever responded to our Storm Water Management Plan (SWMP) review letter dated March 22, 2004 (enclosed). Please indicate how you have addressed the deficiencies noted in this letter. The SWMP must be revised accordingly.

Please provide me with a response letter clarifying the status of these compliance issues. Your response should be submitted with the 2009 Annual Report by **January 14, 2011**.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB:bo

pc: Jason Fyffe, DSW, CO
Nancy Funni, Lorain SWCD
Jim Boddy, Lorain County Health Department
Jerry Innes, Assistant Prosecutor, Lorain County

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>) <input type="checkbox"/> Agent Michael T. Podulka <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>MICHAEL PODULKA, TRUSTEE GRAFTON TOWNSHIP 17109 AVON BELDEN RD. GRAFTON, OH 44044</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number 7009 1680 0001 9552 1219 D..BOGOEVSKI 12/21/10 (Transfer from service label)</p>	

PS Form 3811, February 2004

Domestic Return Receipt

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7009 1680 0001 9552 1219

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<p>Sent To: <i>Michael Podulka</i></p> <p>Street, Apt. No., or PO Box No.: <i>Grafton Twp</i></p> <p>City, State, ZIP+4:</p>	
<p>PS Form 3800, August 2005 See Reverse for Instructions</p>	