

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Cruz Korteski, Director

December 22, 2010

RE: LORAIN COUNTY
ELYRIA TOWNSHIP
MUNICIPAL STORM WATER PROGRAM

F

NOTICE OF VIOLATION – CERTIFIED MAIL

William Holtzman, Trustee
Elyria Township
41416 Griswold Road
Elyria, OH 44035

Dear Mr. Holtzman:

Ohio EPA is reviewing your compliance status with the General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #3GQ00105*BG. I have enclosed a copy of our letter dated June 29, 2009, indicating on-going violations of your MS4 program. Ohio EPA would like to clarify the status of these violations.

- **Construction and Post-Construction Rules.** Lorain County enacted construction site rules on June 29, 2008, and 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 Elyria 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, Elyria 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 Elyria Township has ever responded to our Storm Water Management Plan (SWMP) review letter dated April 28, 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 Bogowski
District Engineer
Division of Surface Water

DB:bo

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

Northeast District Office
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<p>1. Article Addressed to:</p> <p>WILLIAM HOLTZMAN, TRUSTEE ELYRIA TOWNSHIP 41416 GRISWOLD RD. ELYRIA, OH 44035</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>

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12/22/10

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