

**Environmental
Protection Agency**

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

December 22, 2010

RE: LORAIN COUNTY
AMHERST TOWNSHIP
MUNICIPAL STORM WATER PROGRAM

F

NOTICE OF VIOLATION
CERTIFIED MAIL

Don Gargus, Zoning Inspector
Amherst Township
7530 Oberlin Road
Elyria, OH 44035

Dear Ms. Gargus:

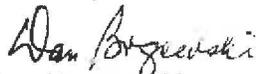
Ohio EPA is reviewing your compliance status with the General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #3GQ00023*BG. Our records indicate that there are some administrative issues that still need to be addressed. In particular, Part III.C of the NPDES permit allows Amherst 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. Ohio EPA would like to clarify the status of the following:

- **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 the 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 these measures, but it was terminated by the SWCD Board on April 23, 2010. Thus, Amherst Township does not have a current MOU with an entity to implement this program within its jurisdiction. Until the MOU is re-executed with Lorain SWCD or other appropriate entity, or the Township establishes its own post-construction program, Amherst 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 construction and post-construction programs.

Please provide me with a response letter clarifying the status of these compliance issues. Your response should be submitted **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: Neil Lynch, Trustee, Amherst Township
Jason Fyffe, DSW, CO
Nancy Funni, Lorain SWCD
Jerry Innes, Assistant Prosecutor, Lorain County

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

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

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 X <i>Carol Schmitt</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>12-23-10</u></p>
<p>1. Article Addressed to:</p> <p>DON GARGUS, ZONING INSPECTOR AMHERST TOWNSHIP 7530 OBERLIN RD. ELYRIA, OH 44035</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>

2. Article Number **7009 1680 0001 9552 1257 D.BOGOEVSKI 12/22/10**
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12/22/10

Sent To *Don Gargus*

Street, Apt. No., or PO Box No. *Amherst Township*

City, State, ZIP+4 _____

PS Form 3800, August 2006 See Reverse for Instructions

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