



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

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June 28, 2011

RE: Lorain County
City of Amherst
Municipal Storm Water Program
Illicit Discharge Detection & Elimination

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. David Taylor, Mayor
City of Amherst
206 S. Main St.
Amherst, OH 44001

Dear Mayor Taylor:

It has recently come to my attention that the City of Amherst has failed to enact an ordinance or other regulatory mechanism to prohibit illicit discharges to the municipal separate storm sewer system (MS4). Prohibition of illicit discharges is a condition of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small MS4s #3GQ00040*BG. The City of Amherst was required to enact this ordinance by March 24, 2008, i.e., by the fifth anniversary of NPDES permit coverage. Information contained in the Annual Report for 2010 and a review of the City's codified ordinances at <http://www.conwaygreene.com/municipalCodes.htm> indicates that the City has not yet enacted the required ordinance.

This letter will serve as notice that the City of Amherst is in violation of Part III.B.3.d of NPDES permit #3GQ00040*BG for **failure to enact an illicit discharge ordinance**. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$25,000 per day of violation. The City will remain in violation until an illicit discharge ordinance is enacted. A model illicit discharge ordinance is available for download from the Chagrin River Watershed Partners at http://www.crwp.org/phase_2_implementation/mcm_3_idde.htm. You may also want to review the illicit discharge ordinances passed by other communities in your area, e.g., City of Lorain Chapter 1535 or City of Avon Lake Chapter 1061.

Further, please be aware that three important deadlines associated with your municipal storm program have recently passed. The NPDES permit required the following activities to be completed within 2 years of permit renewal, i.e., **by June 4, 2011**:

- Update your construction site runoff control ordinance (Chapter 916) to meet or exceed the requirements of the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 (permit available on-line at www.epa.gov/dsw/storm/stormform.aspx).

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- Update your post-construction water quality ordinance (also in Chapter 916) to meet or exceed the requirements of the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003.
- Develop and implement a Storm Water Pollution Prevention Plan (SWP3) for municipal operations not otherwise subject to industrial storm water permitting. These facilities include, but are not limited to, the municipal maintenance facility, composting operations, and the following facilities if any equipment cleaning or vehicle maintenance is conducted: impound lots, solid waste transfer stations, bus terminals and vehicle maintenance garages. Municipal operations subject to industrial storm water permitting should already have their own NPDES permits and SWP3s as required by those permits. These facilities include, but are not limited to: landfills, airports, marinas, shipping ports, steam electric power plants and wastewater treatment plants designed to discharge ≥ 1 MGD or with a pretreatment program.

Please review your compliance with these requirements and take action as needed to ensure that your program is in compliance. Ohio EPA is actively auditing MS4 programs and it is my hope that we can resolve compliance issues without taking more formal enforcement action that may occur as a result of an audit.

Please provide me with a letter of response indicating the actions you will take to correct violations, including a timeframe for completing corrective action. Please indicate your progress on meeting the June 4, 2011, deadline to update ordinances and develop SWP3s for municipal operations. Your response should be received **no later than July 12, 2011**.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Ron Merthe, Superintendent of Utilities and Storm Water Program Coordinator
Clarence Watkins, Engineer, City of Amherst

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 checked="" type="checkbox"/> <i>Jami Anderson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>E. Received by (Printed Name) <i>Jami Anderson</i> C. Date of Delivery <i>6/29/11</i></p>
<p>1. Article Addressed to:</p> <p>DAVID TAYLOR, MAYOR CITY OF AMHERST 206 S MAIN ST AMHERST OH 44001</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</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 7010 1670 0001 8461 1661 (BOGOEVSKI 6/28/11) (Transfer from service label)</p>	

PS Form 3811, February 2004

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PS Form 3800, August 2006
See Reverse for Instructions