

**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

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August 26, 2011

RE: Lorain County
City of Avon
Municipal Storm Water Program
Illicit Discharges on Elizabeth, Joseph & Puth

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Robert Knopf Jr.
City Engineer/SWMP Coordinator
City of Avon
36080 Chester Road
Avon, OH 44011

Dear Mr. Knopf:

On June 14, 2011, Ohio EPA conducted a municipal storm water program audit focusing on your construction and post-construction programs. A report of our findings was prepared and sent to you on July 29, 2011. On August 24, 2011, we received your response to our findings, but found that the response requires further clarification or fails to provide a date by when corrective action will be taken. I have summarized the issues that require your attention on the attached sheet. Please review these comments and provide me the information requested in your response to this letter.

In addition, this letter will serve to notify the City of Avon that it is not in compliance with the illicit discharge requirements of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #3GQ100002*BG. In particular, during our construction program review, we visited the Elizabeth, Joseph & Puth project. This project involves the rehabilitation of the MS4 along these streets. During our inspection, I noted the odor of sewage and was informed that homes on these streets were served by home sewage treatment systems (HSTs).

Information obtained from the Lorain County General Health District (LCGHD) indicates that there are a number of discharging home sewage treatment systems (HSTs) on Elizabeth and Joseph Avenue and Puth Drive. There are a total of 30 aeration systems that discharge to the MS4 on these streets as well as 45 septic systems. In their report provided to the City of Avon in late September 2010, LCGHD states that 8 of 30 aeration systems were missing motors or not operating. The condition of the 45 septic systems were not assessed, but the LCGHD report states that the systems are old and nuisance conditions associated with these systems "will continue to increase". LCGHD sampled four storm sewer catch basins and found fecal coliform counts exceeding 5,000 in three of the four catch basins, ranging from 15,000 to 83,000. The count in the fourth catch basin was 4,000 fecal coliform. **Please be aware that this report confirms the presence of illicit discharges to the MS4.**

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Per Part III.B.e of the NPDES permit, the City of Avon is required to work with LCGHD to resolve illicit discharges from HSTs and determine a proper course of action. Resolution may include connection to central sanitary sewers, replacing systems with a soil absorption system that does not discharge, or allowing a replacement discharging HSTs with NPDES coverage only when no other option is available. The report from LCGHD indicates that connection to central sanitary sewers is feasible. The NPDES permit states that the preferred alternative is connection to central sanitary sewers.

Please be aware of the implications of this language in your NPDES permit. Now that LCGHD has identified these discharging systems to your MS4 and has indicated that they do not function as designed and intended, it is required that you develop a plan for the elimination of these illicit discharges. It does not appear that the City has developed a plan for their elimination, but rather, these systems were reconnected to the MS4. **Thus, it appears that the City has violated Part III.B.e.iii of the NPDES permit.** Ohio EPA would not consider the reconnection of these existing HSTs discharges to the newly-installed storm sewer as a violation of your MS4 permit, *provided that you submit a plan (e.g., sanitary sewers) with expected timeframes to eliminate these illicit discharges.*

As such, please submit a plan for the elimination of these illicit discharges with the expected timeframe to eliminate them. Your plan must be received **no later than September 30, 2011.** 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 \$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: James Body, Director of Environmental Health, Lorain Co. General Health District
James Smith, Mayor, City of Avon
City Council, City of Avon

ec: Chuck Allen, Ohio EPA, NEDO, DSW

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