

**Environmental  
Protection Agency**

John F. Kasich, Governor

Robert Taylor, Lt. Governor

Scott J. Nairn, Director

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July 28, 2011

RE: Lorain County  
City of Amherst  
Municipal Storm Water Program  
Notification of Possible Illicit Discharge

Mr. Ron Merthe  
Superintendent of Utilities  
City of Amherst  
480 Park Ave.  
Amherst, OH 44001

Dear Mr. Merthe:

On July 27, 2011, Ohio EPA was made aware of a possible illicit discharge to the municipal separate storm sewer system (MS4). Ohio EPA was contacted by Councilwoman Jennifer Wasilk regarding an e-mail she received from a constituent, William Bengele. Mr. Bengele states that on the evening of July 26, 2011, he noted a milky blue substance in the ditch behind his home located at 1162 Meadowbrook Drive. He states that he has never seen this in the past and is concerned that someone has dumped a substance into the ditch.

This letter will serve to notify the City of Amherst about the possible presence of an illicit discharge. Per the obligations of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small MS4s #3GQ00040\*BG, please conduct an illicit discharge investigation to determine if an illicit discharge exists and if so, take all steps necessary to remove the source(s) of illicit discharge to the MS4. Please submit documentation of the investigation, its findings, outcomes and plan for corrective action to me **no later than August 26, 2011**. If your investigation reveals that a pollutant has entered a water of the state due to a spill, e.g., a stream, lake or wetland, the incident should be reported to the Ohio EPA Spill Hotline at 1-800-282-9378.

The City of Amherst was recently notified that they have failed to enact an illicit discharge ordinance as required by the NPDES permit. In a response letter dated July 7, 2011, the City committed to passing the required ordinance by July 25, 2011. The NPDES permit obligates the City of Amherst to investigate illicit discharge complaints and to take action to eliminate illicit discharges to the MS4, primarily through enforcement of the illicit discharge ordinance. The NPDES permit further requires the City to implement a dry-weather screening program of MS4 outfalls to actively identify illicit discharges. The City must take action to identify source(s) and eliminate the illicit discharge(s). All MS4 outfalls must be screened by the end of the current permit term, i.e., June 4, 2014.

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

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/mt

cc. David Taylor, Mayor, City of Amherst  
Jennifer Wasilk, Councilwoman, City of Amherst  
William Bengele