



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

March 9, 2012

RE: CUYAHOGA COUNTY
CITY OF MIDDLEBURG HEIGHTS
MUNICIPAL STORM WATER
ANNUAL REPORT REVIEW – 2012

Facility Permit No: 3GQ00026*BG
Date of Initial Permit Coverage: 3/19/2003
Date of NPDES Permit Renewal: 6/3/2009

James Herron
City of Middleburgh Heights
15700 Bagley Road
Middleburgh Heights, OH 44130

Dear Mr. Herron:

On February 28, 2012, Ohio EPA received a copy of the annual report required by the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #OHQ000002. Upon review, Ohio EPA has determined the following:

The annual report for reporting year 2011 is incomplete. In particular, our review revealed the following:

- A Table of Organization identifying the name and contact information for the party responsible for overall management and implementation of your program and each of the six minimum control measures was not complete. Further, the Table of Organization does not identify how implementation of your MS4 program occurs across multiple positions, agencies and departments. Please identify the names and contact information, as required, and specify the lines of communication between the parties involved in implementation of your MS4 program. Please refer to guidance on our website at <http://epa.ohio.gov/Default.aspx?tabid=2697>.
- The City of Middleburgh Heights uses the Cuyahoga Soil & Water Conservation District (SWCD) and the Cuyahoga County Board of Health (CCBH) to conduct all or part of the MCM program. The City did submit documentation to demonstrate that they have entered into a Memorandum of Understanding (MOU) with the Cuyahoga SWCD for this reporting period, but not a copy of the MOU. The City did not submit documentation that

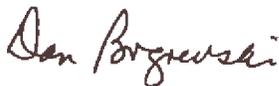
there is an MOU with CCBH for this reporting period. The MOU included in the report is from 2010. Please submit a current, signed copy of these MOUs or contracts. **NOTE:** MOUs with third parties should include consulting engineering firms if they provide services to accomplish requirements of the MS4 permit. It appears that the City uses a consulting engineering firm as its City Engineer. If so, the portion of the contract that specifies the services provided for your MS4 program should be submitted as well.

- The Annual Report identifies 13 known illicit discharges from home sewage treatment systems (HSTSs) on Webster Road. CCBH indicates that they are in the process of being eliminated; however, the Annual Report does not provide a schedule for their elimination. In addition, the Annual Report identifies eight outfalls with evidence of illicit discharge, but does not indicate what, if any, actions were taken by the City of Middleburgh Heights to identify the sources and eliminate them. For each remaining incidence of known illicit discharge, please provide a plan of action to identify and address the source of illicit discharge, including a schedule for its elimination.

Please submit the items necessary to complete your annual report and, if violations or possible non-compliance are noted above, please provide me with a letter of response indicating the actions taken to correct these violations. For actions yet to be completed, provide me with a schedule by which corrective action will be complete. If we have incorrectly identified violations or areas of possible non-compliance, please provide a letter of explanation and documentation to support your position. Your response should be received **no later than April 1, 2012**.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/cs

cc: Gary Starr, Mayor
Todd Houser, Cuyahoga SWCD
Laura Travers, Cuyahoga County Board of Health

ec: Jason Fyffe, Ohio EPA, DSW, CO