



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 14, 2012

RE: LORAIN COUNTY  
AMHERST TOWNSHIP  
MUNICIPAL STORM WATER  
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00023\*BG  
DATE OF INITIAL PERMIT COVERAGE: 3/19/03  
DATE OF NPDES PERMIT RENEWAL: 9/3/09

Remi Cerrone  
Amherst Township  
7530 Oberlin Rd.  
Elyria, OH 44035

**NOTICE OF VIOLATION**

Dear Remi Cerrone:

On May 1, 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, the annual report does not provide the following information:

- The Table of Organization does not identify how implementation of your MS4 program occurs across multiple positions, agencies and departments. Please specify the lines of communication between the parties involved in implementation of your MS4 program.
- Amherst Township uses Lorain County Health District, Lorain County Engineers, Lorain County Commissioners, Lorain County Prosecutor and Lorain County Planning Commission to conduct all or part of the illicit discharge, construction and post-construction programs. The Memorandum of Understanding (MOU) between Amherst Township and each of the third parties previously stated have not been provided. Please submit a current, signed copy of these MOU's or contracts.
- An attachment that identifies the construction sites within your jurisdiction that are subject to storm water pollution prevention plan (SWP3) review and site inspection. Identify construction start and end dates, as appropriate, and the NPDES facility permit number of each construction activity listed. For subdivided development, please provide a list of individual lots within the development, either by address or subplot number, upon which construction occurred during this reporting period, e.g., individual home building lots within a residential subdivision. Provide an indication as to whether or not your program includes inspection of individual lot construction.

Further, upon review of the annual report, it appears that Amherst Township has not enacted the following NPDES permit requirements:

- **Employee Training on Pollution Prevention & Good Housekeeping Practices** – Amherst Township does not identify any employee training for the reporting period. Please be aware that the NPDES permit requires employee training on storm water pollution prevention practices on an annual basis. Failure to conduct employee training during the reporting period is a violation of Part III.B.6.e of the NPDES permit.
- **Development of an SWP3 for Municipal Operations** –Amherst Township does not indicate that they have developed an SWP3 for municipal facilities subject to industrial storm water permitting or for municipal facilities where operations described in 40 Code of Federal Regulations (CFR) Part 122.26(b)(14) occur. Please be aware that the NPDES permit required SWP3s to be developed and implemented at these facilities within two years of NPDES permit renewal. This is a violation of Part III.B.6.c of the NPDES permit. If you have not developed an SWP3 for your municipal facilities because they are not located within the urbanized area of your community, please provide an indication of such.

Please be aware that failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.07 and is subject to penalties.

Finally, the annual report indicates the following possible areas of non-compliance with performance standards contained within the NPDES permit:

- **Mapping of Home Sewage Treatment Systems (HSTs)** – Amherst Township has not submitted a list of all HSTs within the Urbanized Area (UA) that discharge to the MS4 and a storm sewer map showing their location. Please be aware that this list and map were to be completed within five years of your initial NPDES permit coverage.

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 June 29, 2012.

If you have any questions, please contact me at (330) 963-1128 or email me at [Robert.Hrusovsky@epa.state.oh.us](mailto:Robert.Hrusovsky@epa.state.oh.us).

Sincerely,



Robert Hrusovsky  
Assistant to the District Engineer  
Division of Surface Water

cc: Amherst Township Trustees  
John Niedzialek, Lorain SWCD  
Jim Boddy, Lorain County General Health District  
Bill Holtzman, Lorain County Engineers  
Don Romancak, Lorain County Community Development  
Jerry Innes, Lorain County Prosecutors Office  
ec: Jason Fyffe, Ohio EPA, DSW, CO