



**Environmental  
Protection Agency**

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

June 12, 2012

RE: CUYAHOGA COUNTY  
VILLAGE OF BRATEN AHL  
MUNICIPAL STORM WATER  
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00031\*BG  
DATE OF INITIAL PERMIT COVERAGE: 3/19/2003  
DATE OF NPDES PERMIT RENEWAL: 6/3/2009

Donald Bierut, P.E.  
Village Engineer  
Village of Bratenahl  
411 Bratenahl Road  
Bratenahl, OH 44108

**NOTICE OF VIOLATION**

Dear Mr. Bierut:

On April 20, 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 Village of Bratenahl uses Chagrin Valley Engineering to conduct parts of the Public Education and Outreach, Public Involvement, Illicit Discharge, Construction, Post-Construction, and Pollution Prevention/Good Housekeeping programs. The Memorandum of Understanding (MOU) between the Village of Bratenahl and Chagrin Valley Engineering has not been provided. Please submit a current, signed copy of this MOU or contract.

Further, upon review of the annual report, it appears that the Village of Bratenahl has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **Development of an Storm Water Pollution Prevention Plan (SWP3) for Municipal Operations** – The Village of Bratenahl indicated that they have not finished developing

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.

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:

- **Employee Training on Pollution Prevention & Good Housekeeping Practices** – The Village of Bratenahl indicated that employee training on MCM #6 was conducted during the reporting period; however, only one employee was listed as attending. If applicable, in regards to the size of your department, more employees should attend training sessions and be aware of the procedures and regulations. It is expected that all relevant employees receive training on storm water pollution prevention practices. Relevant employees would include any employee whose job duties have an impact on storm water runoff quality.

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 27, 2012**.

If you have any questions, please contact me at (330) 963-1125 or via e-mail at [kelly.mcvay@epa.ohio.gov](mailto:kelly.mcvay@epa.ohio.gov).

Sincerely,



Kelly McVay  
Assistant to the District Engineer  
Division of Surface Water

KM/cs

cc: John Licastro, Mayor, Village of Bratenahl

ec: Jason Fyffe, Ohio EPA, DSW, CO