



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

June 12, 2012

RE: CUYAHOGA COUNTY  
CITY OF BEDFORD HEIGHTS  
MUNICIPAL STORM WATER  
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00046\*BG  
DATE OF INITIAL PERMIT COVERAGE: 4/1/2003  
DATE OF NPDES PERMIT RENEWAL: 6/3/2009

Donald Bierut, P.E.  
City of Bedford Heights  
5661 Perkins Road  
Bedford Heights, OH 44146

**NOTICE OF VIOLATION**

Dear Mr. Bierut:

On April 18, 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 City of Bedford Heights uses Tinkers Creek Watershed Partners and 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 City of Bedford Heights and these third parties has not been provided. Please submit a current, signed copy of these MOUs or contracts.

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

- **Illicit Discharge Detection and Elimination** – Failure to enact an ordinance or resolution to prohibit illicit discharges into your municipal separate storm sewer system is a violation of Part III.B.3.d of the NPDES permit. This ordinance or resolution was to be enacted no later than 5 years from the date of your initial NPDES permit coverage.

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 MS4** – The City of Bedford Heights has not completed the mapping of their municipal separate storm sewer system within the Urbanized Area (UA). Please be aware that mapping of outfalls was to be completed by end of your initial NPDES permit coverage. Mapping of the rest of the system must be completed within five years of NPDES permit renewal. Mapping is to include catch basins, pipes, ditches, flood control facilities, all publicly-owned post-construction water quality BMPs and those private post-construction water quality BMPs installed to meet requirement of the Ohio EPA NPDES permit for construction activities and/or your local post-construction ordinance.

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: Fletcher Berger, Mayor, City of Bedford Heights

ec: Jason Fyffe, Ohio EPA, DSW, CO