



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

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

FACILITY PERMIT NO: 3GQ00047*BG
DATE OF INITIAL PERMIT COVERAGE: 4/1/2003
DATE OF NPDES PERMIT RENEWAL: 6/3/2009

NOTICE OF VIOLATION

Douglas G. Courtney, P.E.
City Engineer
City of Brooklyn
700 Beta Drive, Suite 200
Mayfield Village, OH 44143

Dear Mr. Courtney:

On May 8, 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 Brooklyn uses the Cuyahoga Soil and Water Conservation District to conduct parts of the Public Education and Outreach and Public Involvement programs, the Cuyahoga County Board of Health to conduct parts of the Illicit Discharge program, and The C.W. Courtney Company as a consulting engineer for the MS4 program. The Memorandum of Understanding (MOU) between the City of Brooklyn 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 Brooklyn has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **Construction Site Runoff Control** – Failure to enact an ordinance or resolution equivalent in technical requirements to the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 is a violation of Part III.B.4.a.i of the NPDES permit. This ordinance or resolution was to be enacted within two years of NPDES permit renewal.
- **Post-Construction Storm Water Management** – Failure to enact an ordinance or resolution equivalent in technical requirements to the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 is a violation of Part III.B.5.c of the NPDES permit. This ordinance or resolution was to be enacted within two years of NPDES permit renewal.
- **Development of an Storm Water Pollution Prevention Plan (SWP3) for Municipal Operations** – The City of Brooklyn 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.

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 City of Brooklyn indicated that employee training on GHPP for municipal operations was conducted, however; only one employee was listed as attending. 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.
- **Mapping of MS4** – The City of Brooklyn 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.

- **SWP3 Plan Review and Site Inspection** – During the reporting period, Ohio EPA issued NPDES permit coverage to the following construction sites within your community:
 - Ferrous Metal Processing Co. – 3GC05602*AG
 - Restaurant Rebuild, McDonalds Real Estate Co. – 3GC05301*AG

The Ohio EPA NPDES list contains construction activities not found on your community's list of construction activities subject to SWP3 review and site inspection. This may indicate that you are not performing plan review and site inspection as required by your municipal storm water permit. For each instance where a site appears on the Ohio EPA NPDES permit list, but the site does not appear on your list, please provide an explanation as to why your community did not conduct a SWP3 review or site inspection.

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.

Sincerely,



Kelly McVay
Assistant to the District Engineer
Division of Surface Water

KM/cs

cc: John Verba, Service Director, Storm Water Manager, City of Brooklyn

ec: Jason Fyffe, Ohio EPA, DSW, CO