



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

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

FACILITY PERMIT NO: 3GQ00057*BG
DATE OF INITIAL PERMIT COVERAGE: 4/1/2003
DATE OF NPDES PERMIT RENEWAL: 6/3/2009

Mr. Edward Hren, P.E.
City Engineer
City of Maple Heights
5353 Lee Road
Maple Heights, OH 44137

NOTICE OF VIOLATION

Dear Mr. Hren:

On April 24, 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 Maple Heights 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. Although mentioned, the Memorandum of Understanding (MOU) between the City of Maple Heights and this third party has not been provided. Please submit a current, signed copy of this MOU or contract.
- An attachment that provides schedules for the elimination of illicit connections that have been identified but not yet eliminated. Please list each remaining incidence of known illicit connection, the address or other location indicator, a brief description of the situation and provide a schedule for its elimination.
- An attachment that identifies the construction sites within your jurisdiction that are subject to storm water pollution prevention plan (SWP3) review and site inspection was provided. However, construction start and end dates should be identified, 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 the City of Maple Heights 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. The current ordinance was enacted on 12/17/2008.
- **Development of an Storm Water Pollution Prevention Plan (SWP3) for Municipal Operations** – The City of Maple Heights 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 Maple Heights indicated that employee training on Pollution Prevention and Good Housekeeping 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.
- **Dry Weather Screening of MS4 Outfalls** – The City of Maple Heights did not conduct any dry weather screening of MS4 outfalls during the reporting period. Please be aware that you must conduct dry weather screening of 100% of your outfalls by the end of the current NPDES permit term. If this activity has already been completed, you are to prioritize outfalls with indicators of potential illicit discharge and perform on-going, follow-up investigations to identify sources of illicit discharge and eliminate them.
- **SWP3 Plan Review and Site Inspection** – During the reporting period, Ohio EPA issued NPDES permit coverage to the following construction site within your community:
 - Raymond Elementary School

The Ohio EPA NPDES list contains only one permitted construction activity subject to SWP3 review and site inspection while the City of Maple Heights 2011 Annual Report notes three applicable sites require inspections and were listed in an attachment as

Milkovich Middle School, JFK & Obama Schools, and Maple Heights High School. This inconsistency in records may indicate that you are not performing plan review and site inspection as required by your municipal storm water permit on all required sites and that some sites may not have had the required NPDES permit. For each instance where a site appears on the Ohio EPA NPDES permit list but the site does not appear on your list, and for each instance where a site appeared on your list and not the OHIO EPA NPDES permit list, please provide an explanation as to why your community did not conduct a SWP3 review or site inspection or why a permit was not obtained.

- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
 - Maple Heights Revitalization Program
 - Stafford Park Pool Reconstruction
 - Prayner Road Project Relocation
 - Benhoff and Dunham Parks Sports Fields
 - Stafford and Dunham Pool Demolition

Post-construction BMPs were required to be installed and a long-term maintenance agreement was to have been developed for post-construction BMPs at these sites. For each of these sites, please indicate the post-construction BMPs installed and indicate if you have conducted an inspection to verify their installation.

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: Jeffrey A. Lansky
Ms. Jackie Albers, Council President

ec: Jason Fyffe, Ohio EPA, DSW, CO