



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

RE: CUYAHOGA COUNTY
VILLAGE OF HIGHLAND HILLS
MUNICIPAL STORM WATER
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00104*BG
DATE OF INITIAL PERMIT COVERAGE: 4/7/2003
DATE OF NPDES PERMIT RENEWAL: 9/8/2009

NOTICE OF VIOLATION

Derrick Knight
Building Manager, Storm Water Manager
Village of Highland Hills
3700 Northfield Road
Highland Hills, OH 44122

Dear Mr. Knight:

On April 2, 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 Highland Hills uses Stephen Hovancsek & Associates, Inc. as consulting engineers, Tinkers Creek Watershed Partners to conduct parts of the Public Education and Outreach and Public Involvement programs, and the Cuyahoga County Board of Health to conduct parts of the Illicit Discharge program. The Memorandum of Understanding (MOU) between the Village of Highland Hills 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 Village of Highland Hills 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 Village of Highland Hills 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 Village of Highland Hills 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.
- **Public Education and Outreach** – The Village of Highland Hills reported that they did not mail out two of their three public education and outreach programs for a storm water theme or message during the reporting period. Please be aware that the NPDES permit requires you to conduct at least five storm water education campaigns during the current NPDES permit term, with at least one campaign targeting the development community. Education campaigns must employ more than one mechanism of message delivery.

- **Dry Weather Screening of MS4 Outfalls** – The Village of Highland Hills 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.

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: Susan M. Hamilton, Village Engineer, Village of Highland Hills
Mayor Robert Nash, Village of Highland Hills

ec: Jason Fyffe, Ohio EPA, DSW, CO