



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

RE: LORAIN COUNTY
ELYRIA TOWNSHIP
MUNICIPAL STORM WATER
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00105*BG
DATE OF INITIAL PERMIT COVERAGE: 3/7/2003
DATE OF NPDES PERMIT RENEWAL: 6/4/2009

NOTICE OF VIOLATION

William Holtzman
Trustee
Elyria Township
41416 Griswold Road
Elyria, OH 44035

Dear Mr. Mr. Holzman:

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:

- Elyria Township uses Lorain County Board of Health to conduct parts of the Illicit Discharge program and Lorain County Soil and Water to conduct parts of the Construction and Post Construction programs. The Memorandum of Understanding (MOU) between Elyria Township 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 Elyria Township 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. Your annual report indicated that the introduction of such an ordinance or resolution has not been completed. This ordinance or resolution was to be enacted no later than five years from the date of your initial NPDES permit coverage.
- **Development of an Storm Water Pollution Prevention Plan (SWP3) for Municipal Operations** – Elyria Township 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:

- **SWP3 Plan Review and Site Inspection** – During the reporting period, Ohio EPA issued NPDES permit coverage to the following construction sites within your community:
 - Hampton Inn & Suites Elyria – 3GC05717*AG

The Ohio EPA NPDES list contains this construction activity while your community's annual report suggests you had no 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. Please provide an explanation as to why your community did not conduct a SWP3 review or site inspection on this site.

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

ec: Jason Fyffe, Ohio EPA, DSW, CO