



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

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

FACILITY PERMIT NO: 3GQ00119*BG
DATE OF INITIAL PERMIT COVERAGE: 4/7/2003
DATE OF NPDES PERMIT RENEWAL: 6/4/2009

NOTICE OF VIOLATION

Dal Vandersommen, P.E.
City Engineer
City of Lorain
200 West Erie Avenue 4th Floor
Lorain, OH 44052

Dear Mr. Vandersommen:

On March 26, 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:

Upon review of the 2011 annual report, it appears that the City of Lorain has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **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.

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:

- **Public Education and Outreach** – The City of Lorain only conducted two public education and outreach program 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.

- **Public Participation and Involvement** – The City of Lorain only conducted one public involvement activity during the reporting period. Please be aware that the NPDES permit requires you to conduct at least five public involvement activities during the current NPDES permit term.

- **Storm Water Pollution Prevention Plan (SWP3) Plan Review and Site Inspection** – During the reporting period, Ohio EPA issued NPDES permit coverage to the following construction sites within your community:
 - Vineyards Martin's Run – 3GC00932*AG
 - Morningside at Martin's Run – 3GC00789*AG
 - Fields of Martin's Run Subdivision – 3GC00432*AG
 - Crossings at Martin's Run Subdivisions Three – 3GC00705*AG
 - Deerfield Estates Subd #3&4 – 3GC01681*AG
 - Edgewater Power Plant – 3GC05314*AG
 - Lower Black River Fish Habitat Restoration Project – 3GC05566*AG
 - Fields of Martin's Run Subdivision No 2 – 3GC04611*AG
 - Helen Steiner rice Elementary School – 3GC05756*AG
 - Toni Morrison Elementary School – 3GC05755*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, or vice versa, please provide an explanation as to why your community did not conduct a SWP3 review or site inspection.

- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
 - Colorado Industrial Park – 3GC02254*AG
 - Brownell Subdivision – 3GC03813*AG
 - Cleveland Schools Academy – 3GC03345*AG
 - Dollar General – 3GC05490*AG

- o Future /outparcel 3 – S Main Entrance, Lighthouse Village Partners LLC (jaeger & Leavitt Rd) – 3GC02517*AG
- o Lighthouse Village Blvd Ext & Outparcel 4&5 – 3GC04143*AG
- o Nardini Property (Meister Rd) – 3GC04914*AG
- o New Longfellow MS – 3GC00818*AG
- o Lincoln Elementary School – 3GC04300*AG
- o US Steel Corporation – 3GC05114*AG

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: Chase Ritenauer, Mayor, City of Lorain

ec: Jason Fyffe, Ohio EPA, DSW, CO