



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 12, 2012

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

FACILITY PERMIT NO: 3GQ10008*BG
DATE OF INITIAL PERMIT COVERAGE: 4/3/2003
DATE OF NPDES PERMIT RENEWAL: 9/28/2009

NOTICE OF VIOLATION

William J. Roth, Jr.
Mayor
City of Fairlawn
3487 S. Smith Road
Fairlawn, OH 44333

Dear Mr. Roth:

On April 16, 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 Fairlawn uses Summit Soil and Water Conservation District to conduct parts of the Construction program. The Memorandum of Understanding (MOU) between the City of Fairlawn and Summit SWCD has not been provided. Please submit a current, signed copy of this MOU or contract.

Further, upon review of the annual report, it appears that the City of Fairlawn 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.

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:

- **Dry Weather Screening of MS4 Outfalls** – The City of Fairlawn 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.
- **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:
 - Kids Country Daycare – 3GC05440*AG
 - Grace Church – 3GC05556*AG
 - SUM-77-20.27 PID-86815, ODOT – 3GC05268*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

ec: Jason Fyffe, Ohio EPA, DSW, CO