



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 18, 2012

RE: CUYAHOGA COUNTY
CITY OF LYNDHURST
MUNICIPAL STORM WATER
ANNUAL REPORT REVIEW – 2011
FACILITY PERMIT NO: 3GQ00102*BG
DATE OF NPDES PERMIT RENEWAL: 6/3/2009

NOTICE OF VIOLATION

Jeffrey J. Filarski, P.E.
City Engineer
City of Lyndhurst
5301 Mayfield Road
Lyndhurst, OH 44124

Dear Mr. Filarski:

On April 4, 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 Lyndhurst uses Chagrin Valley Engineering to conduct parts of the Illicit Discharge, Construction, Post-Construction, and Pollution Prevention/Good Housekeeping programs, Cuyahoga County Board of Health to conduct outfall sampling, the Cuyahoga Soil and Water Conservation District to conduct parts of the Public Education and Outreach and Public Involvement programs, and Euclid Creek Watershed Council to conduct parts of the Public Involvement program. The Memorandum of Understanding (MOU) between the City of Lyndhurst 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 City of Lyndhurst 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 2 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.

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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 Lyndhurst indicated that employee training on GHPP for municipal operations was conducted, however; only 1 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 Lyndhurst 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 **July 2, 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:bo

cc: Mayor Joseph M. Cicero, City of Lyndhurst

ec: Jason Fyffe, DSW, CO