



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 18, 2012

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

**FACILITY PERMIT NO: 3GQ10002*BG
DATE OF NPDES PERMIT RENEWAL:
6/3/2009**

NOTICE OF VIOLATION

Robert J. Knopf, Jr.
City Engineer/MS4 Coordinator
City of Avon
35030 Detroit Road
Avon, OH 44011

Dear Mr. Knopf:

On March 29, 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 Avon uses consulting engineers to conduct parts of the Public Education and Outreach, Public Involvement, Illicit Discharge, Construction, and Post-Construction programs. The Memorandum of Understanding (MOU) between the City of Avon and these consulting engineers has not been provided. Please submit a current, signed copy of this MOU or contract.
- An attachment that identifies the construction sites within your jurisdiction that are subject to storm water pollution prevention plan (SWP3) review and site inspection. Identify construction start and end dates, as appropriate, and the NPDES facility permit number of each construction activity listed. For subdivided development, please provide a list of individual lots within the development, either by address or subplot number, upon which construction occurred during this reporting period, e.g., individual home building lots within a residential subdivision. Provide an indication as to whether or not your program includes inspection of individual lot construction.

Further, upon review of the annual report, it appears that the City of Avon has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **Development of an SWP3 for Municipal Operations** – The City of Avon 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 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:

- **Mapping of MS4** – The City of Avon has not completed the mapping of their municipal separate storm sewer system within the Urbanized Area (UA). Please be aware that mapping of outfalls was to be completed by the end of your initial NPDES permit coverage. Mapping of the rest of the system must be completed within five years of NPDES permit renewal. Mapping is to include catch basins, pipes, ditches, flood control facilities, all publicly-owned post-construction water quality BMPs and those private post-construction water quality BMPs installed to meet requirements of the Ohio EPA NPDES permit for construction activities and/or your local post-construction ordinance.
- **Dry Weather Screening of MS4 Outfalls** – The City of Avon 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.
- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
 - Petitti Garden Center – 3GC02759*AG
 - US Post Office – Avon – 3GC03892*AG
 - Carroll Manufacturing Phase II – 3GC04665*AG
 - City Centre of Avon No. 2, Southside of Detroit Rd – 3GC04434*AG
 - City Centre of Avon No. 2, Detroit Rd. – 3GC02957*AG
 - Burger King – 3GC01982*AG
 - Hope Christian Church – 3GC00111*AG
 - Kurtz Bros Inc. – 3GC01186*AG
 - Cleveland Clinic Boulevard – 3GC05356*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.

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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/cl

cc: James A. Smith, Mayor, City of Avon

ec: Jason Fyffe, DSW, CO