



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 15, 2012

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

FACILITY PERMIT NO: 3GQ00065*BG
DATE OF INITIAL PERMIT COVERAGE: 4/3/2003
DATE OF NPDES PERMIT RENEWAL: 6/17/2009

NOTICE OF VIOLATION

Michael Miller
Director of Public Service
City of Stow
3760 Darrow Road
Stow, OH 44224

Dear Mr. Miller:

On March 27, 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 Stow uses the Summit County Soil & Water Conservation District to conduct parts of the Public Outreach and Education, Public Involvement, Construction and Post-Construction programs and the Summit County Health Department to conduct parts of the Illicit Discharge program. The Memorandum of Understanding (MOU) between the City of Stow and these third parties has not been provided. Please submit a current, signed copy of these MOUs or contracts.
- 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 Stow 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. This ordinance or resolution was to be enacted no later than five years from the date of your initial NPDES permit coverage. Chapter 925, which was attached to your annual report, prohibited the connection of storm conveyances to sanitary sewer, but not the connection of sanitary conveyances or other illicit connections to storm sewer.
- **Development of an SWP3 for Municipal Operations** – The City of Stow does not indicate that they have developed an SWP3 for all 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:

- **Public Education and Outreach** – The City of Stow only listed two public education and outreach program for a storm water theme or message during the reporting period and provided no detailed information on the audience reached or any plans for the next 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 Stow only listed one public involvement activity during the reporting period and did not provide any plans for the next 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.

- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
 - Tyres Intl. – 3GC01343*AG
 - Seasons Road Improvement – 3GC04842*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 **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/cs

cc: Bradley Kosco, Senior Engineer, City of Stow
Sara Drew, Mayor, City of Stow

ec: Jason Fyffe, Ohio EPA, DSW, CO