



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 15, 2012

RE: SUMMIT COUNTY
CITY OF TALLMADGE
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

Bryan Esler
Director of Public Service
City of Tallmadge
46 North Avenue
Tallmadge, OH 44278

Dear Mr. Esler:

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 Tallmadge uses the Summit Soil and Water Conservation District to conduct parts of the Public Education and Outreach, Illicit Discharge, Construction, and Post-Construction programs and Summit County Health District to conduct parts of the Illicit Discharge program. The Memorandum of Understanding (MOU) between the City of Tallmadge and the Summit Soil and Water Conservation District has not been provided. Please submit a current, signed copy of this MOU or contract.
- An attachment that provides schedules for the elimination of illicit connections that have been identified but not yet eliminated. Because this section of your annual report form was not completely filled out, it was unable to be determined how many outfalls you have total and how many illicit discharges were identified of the 18 outfalls, which were screened. If any illicit discharge did exist, please list each remaining incidence of known illicit connection, the address or other location indicator, a brief description of the situation and provide a schedule for its elimination.
- 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 Tallmadge 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. Although your annual report said that this action is complete, no illicit discharge regulations could be found in your City's ordinances.
- **Post-Construction Storm Water Management** – Failure to enact an ordinance that requires the implementation of post-construction best management practices to address the quality of post-development runoff from new development or redevelopment where the larger common plan of development or sale disturbs 1 or more acre. This ordinance or resolution was to be enacted within five years from the date of your initial NPDES permit coverage.

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 Participation and Involvement** – The City of Tallmadge did not conduct a 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.
- **Mapping of MS4** – The City of Tallmadge 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 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 requirement of the Ohio EPA NPDES permit for construction activities and/or your local post-construction ordinance.
- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
 - Summit County Homes – 3GC04897*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: David G. Kline, Mayor, City of Tallmadge

ec: Jason Fyffe, Ohio EPA, DSW, CO