



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 15, 2012

RE: SUMMIT COUNTY
CITY OF MACEDONIA
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

Nick Fini, P.E.
Macedonia Consulting Engineer
City of Macedonia Engineering Department
9691 Valley View Road
Macedonia, OH 44056

Dear Mr. Fini:

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 Macedonia uses GPD Group as consulting engineers to conduct parts of the Public Education and Outreach, Illicit Discharge, Construction, and Post-Construction programs, the Summit County Health District to conduct parts of the Illicit Discharge program, and the Summit Soil and Water Conservation District to conduct parts of the Construction program. The Memorandum of Understanding (MOU) between the City of Macedonia 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 Macedonia 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:

- **Mapping of MS4** – The City of Macedonia 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:
 - Wal-Mart Store #1927-04 – 3GC04558*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,

A handwritten signature in black ink that reads "Kelly McVay". The signature is written in a cursive, flowing style.

Kelly McVay
Assistant to the District Engineer
Division of Surface Water

KM/cs

cc: Don Kuchta, Mayor, City of Macedonia

ec: Jason Fyffe, Ohio EPA, DSW, CO