



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

June 20, 2012

RE: SUMMIT COUNTY
VILLAGE OF MOGADORE
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

Norman L. Cable
Environmental Technical Services Manager
Village of Mogadore
135 S. Cleveland Ave.
Mogadore, OH 44260

Dear Mr. Cable:

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 Village of Mogadore uses the Summit Soil and Water Conservation District to conduct parts of the Public Education and Outreach and Public Involvement programs and the Summit County Health District to conduct parts of the Illicit Discharge program. The Memorandum of Understanding (MOU) between the Village of Mogadore 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 Village of Mogadore has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **Development of an Storm Water Pollution Prevention Plan (SWP3) for Municipal Operations** – The Village of Mogadore 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 Code of Federal Regulations 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.

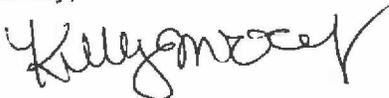
Finally, the annual report indicates the following possible areas of non-compliance with performance standards contained within the NPDES permit:

- **Mapping of MS4** – The Village of Mogadore 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.
- **Mapping of Home Sewage Treatment Systems (HSTs)** – The Village of Mogadore has not submitted a list of all HSTs within the UA that discharge to the MS4 and a storm sewer map showing their location. Please be aware that this list and map were to be completed within five years of your initial NPDES permit coverage.

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 6, 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: Mayor Michael A. Rick, Village of Mogadore

ec: Jason Fyffe, Ohio EPA, DSW, CO
Phil Rhodes, Ohio EPA, DSW, NEDO