



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

June 28, 2012

RE: CUYAHOGA COUNTY  
CITY OF BEREA  
MUNICIPAL STORM WATER  
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00015\*BG  
DATE OF INITIAL PERMIT COVERAGE: 3/19/2003  
DATE OF NPDES PERMIT RENEWAL: 6/8/2009

**NOTICE OF VIOLATION**

Antonio C. Armagno  
City Engineer  
City of Berea  
11 Berea Commons  
Berea, OH 44017

Dear Mr. Armagno:

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:

Upon review of the annual report, it appears that the City of Berea 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 City of Berea 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 (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:

- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
  - City of Berea WTP – 3GC04584\*AG

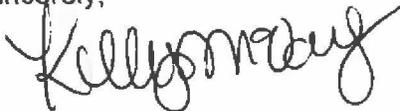
- o S Rocky River Dr. – Sanitary Sewer Relief Project – 3GC01442\*AG
- o Baldwin Wallace College, 33 Siminary St – 3GC05224\*AG

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 18, 2012**.

If you have any questions, please contact me at (330) 963-1125 or via e-mail at [kelly.mcvay@epa.ohio.gov](mailto:kelly.mcvay@epa.ohio.gov).

Sincerely,



Kelly McVay  
Assistant to the District Engineer  
Division of Surface Water

KM/cs

cc: Cyril M. Kleem, Mayor, City of Berea

ec: Jason Fyffe, Ohio EPA, DSW, CO