



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 5, 2012

RE: STARK COUNTY  
CITY OF MASSILLON  
MUNICIPAL STORM WATER  
ANNUAL REPORT REVIEW – 2011

FACILITY PERMIT NO: 3GQ00063\*BG  
DATE OF INITIAL PERMIT COVERAGE: 4/3/2003  
DATE OF NPDES PERMIT RENEWAL: 6/24/2009

Keith A. Dylewski  
City Engineer  
City of Massillon  
151 Lincoln Way East  
Massillon, OH 44646

**NOTICE OF VIOLATION**

Dear Mr. Dylewski:

In March 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 Massillon uses the Stark Soil and Water Conservation District to conduct parts of the Construction and Post-Construction programs. The Memorandum of Understanding (MOU) between the City of Massillon and the Stark Soil and Water Conservation District has not been provided. Please submit a current, signed copy of this MOU or contract.

Further, upon review of the annual report, it appears that the City of Massillon has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **Employee Training on Pollution Prevention & Good Housekeeping Practices** – The City of Massillon does not identify any employee training for the reporting period. Please be aware that the NPDES permit requires employee training on storm water pollution prevention practices on an annual basis. Failure to conduct employee training during the reporting period is a violation of Part III.B.6.e 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 Home Sewage Treatment Systems (HSTSs)** – The annual report for 2011 was missing the section for reporting on the status of the City of Massillon's HSTS mapping. Please be aware that a list of all HSTSs within the UA that discharge to the MS4 and a storm sewer map showing their location were to be completed within five years of your initial NPDES permit coverage.
- **Dry Weather Screening of MS4 Outfalls** – The annual report for 2011 was missing the section for reporting the results of any dry weather screening conducted. Because of this, the Ohio EPA assumes that the City of Massillon did not conduct any dry weather screening of MS4 outfalls during the reporting period. Please be aware that you must conduct dry weather screening of 100% of your outfalls by the end of 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:
  - Pepsi Americas-Former Fame Beverage, Warmington Rd SW – 3GC03575\*AG
  - Massillon Senior – 3GC04681\*AG
  - Pebble Chase Condos – 3GC01990\*AG
  - CVS Pharmacy – 3GC04846\*AG
  - Fibercorr Mills LLC – 3GC03712\*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 25, 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: Kathy Catazaro-Perry, Mayor, City of Massillon  
ec: Jason Fyffe, Ohio EPA, DSW, CO