



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 9, 2012

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

FACILITY PERMIT NO: 3GQ00113*BG
DATE OF NPDES PERMIT RENEWAL: 6/4/2009

NOTICE OF VIOLATION

Thom Evans
Director of Public Services
City of Highland Heights
5827 Highland Road
Highland Heights, OH 44143

Dear Mr. Evans:

On April 2, 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:

- A Table of Organization identifying the name and contact information for the party responsible for overall management and implementation of your program and each of the six minimum control measures. Guidance on developing a table of organization can be found on our website at <http://www.epa.ohio.gov/Default.aspx?tabid=2697>.
- The City of Highland Heights uses the Cuyahoga Soil and Water Conservation District to conduct parts of the Public Education and Involvement and Public Outreach programs and the Cuyahoga County Board of Health to conduct parts of the Illicit Discharge program. The Memorandum of Understanding (MOU) between the City of Highland Heights and these third parties has not been provided. Please submit a current, signed copy of these MOUs or contracts.
- An attachment that provides schedules for the elimination of illicit connections that have been identified but not yet eliminated. 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 Highland Heights has not enacted the following required ordinances or resolutions, or met the following NPDES permit requirements:

- **Development of an SWP3 for Municipal Operations** – The City of Highland Heights 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:

- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:
 - Highland Heights Community Park – 3GC03231*AG
 - Highland Road – 3GC03774*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 27, 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: Scott Coleman, Mayor, City of Highland Heights
ec: Jason Fyffe, Ohio EPA, DSW, CO