



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 23, 2012

RE: CUYAHOGA COUNTY
CITY OF GARFIELD HEIGHTS
NOTIFICATION OF MUNICIPAL
STORMWATER PROGRAM INSPECTION

David Krock
City Engineer
City of Garfield Heights
5407 Turney Road
Garfield Heights, OH 44125

Dear Mr. Krock:

Ohio EPA has completed an audit for a portion of your municipal stormwater program. Our audit primarily focused on implementation of minimum control measure (MCM) #6: Pollution Prevention and Good Housekeeping for Municipal Operations. This program is a requirement of the Ohio EPA General Stormwater National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewers Systems (MS4s) OHQ000002 and Ohio Administrative Code 3745-39.

On July 11, 2012, Ohio EPA met with you and Brian Mahoney of the City of Garfield Heights to determine compliance with the NPDES permit and the associated Stormwater Management Plan (SWMP). In performing this audit, Ohio EPA implemented the Municipal Stormwater Program Evaluation Guide developed by the United States Environmental Protection Agency.

Attached are the Municipal Stormwater Program Evaluation and Field Inspection Worksheet(s) completed for your community. Please review these documents in detail to determine specific elements where your pollution prevention and good housekeeping program needs improvement. In addition, you will find comments suggesting ways to improve your Municipal Separate Storm Sewer Systems (MS4) program. The following is a summary of our audit findings:

Violations

- **Failure to compile an inventory of all MS4 facilities, i.e. the Service Department, Fire Station, parks and cemeteries, and parking lots.** This is a violation of Part III.B.6.c of NPDES Permit #OHQ000002 and Ohio Revised Code (ORC) 6111.04 and 6111.07. This inventory was required in the NPDES permit #OHQ000001 and should be in the City's SWMP. The inventory should be kept up to date in the SWMP and easily accessed to comply with the NPDES Permit #OHQ000002.
- **Failure to develop a SWP3 for the Service Garage and Fire Station.** This is a violation of Part III.B.6.c of the NPDES permit and ORC 6111.04 and 6111.07. These facilities conduct operations described in 40 Code of Federal Regulations (CFR) Part 122.26(b)(14), and as such, must have an Stormwater Pollution Prevention Plan (SWP3). The City of Garfield Heights has not developed an SWP3 for these municipal facilities. The NPDES permit #OHQ000002 required SWP3s to be developed and implemented at these facilities within 2 years of NPDES permit renewal, i.e., June 3, 2011.

- **Failure to implement procedures for the proper disposal of waste removed from your MS4, including City streets.** This is a violation of Part III.B.6.d.iii.3 of the NPDES permit and ORC 6111.04 and 6111.07. Catch basin cleanings and street sweepings are a solid waste and any liquids, which are decanted from such materials, as well as stormwater, which contacts stockpiles of this material, is leachate, a wastewater, and must be managed accordingly. The City must implement best management practices (BMPs) to prevent the discharge of this leachate such as covering the spoils roll-off with a tarp and keeping the drain hole plugged.
- **Failure to provide controls for reducing or eliminating the discharge of pollutants from the Service Department.** This is a violation of Part III.B.6.d.iii.2 of the Small MS4 NPDES Permit #OHQ000002 and ORC 6111.04 and 6111.07. This violation was noted for the following operations at the Service Department:
 - Failure to prevent the discharge of sediment and other material pollutants to the two stormwater inlets behind the salt storage dome.
 - Failure to prevent the discharge of pollutants from oily metals stored behind the salt storage dome.
 - Failure to keep all dumpsters lidded and plugged to prevent the discharge of wastewater to the City's MS4.
 - Failure to provide a cover for the street sweepings and catch basin cleanings roll-off, which allows for the saturation of the spoils and the illegal discharge of leachate to the City's MS4.

Further, the City was noted for failure to prevent the discharge of wastewater from vehicle washing to the MS4 at the Fire Station, as they indicated that they sometimes wash vehicles outdoors.

The MS4 permit does not authorize the city to discharge leachate or wastewater, thus controls for these unauthorized discharges must be implemented immediately. Further, measures must be taken to minimize the potential for discharges of pollutants to the MS4. Implementing practices such as secondary containment, inlet protection, lidded dumpsters and capping floor drains achieves this goal. Please review the comments within the attached *Municipal Stormwater Program Evaluation and Maintenance Facility Field Inspection Worksheets* regarding these operations.

- **Failure to provide stormwater pollution prevention training to employees.** This is a violation of the City's pollution prevention and good housekeeping program. Part III.B.6.e of the NPDES Permit #OHQ000002 requires the City to conduct employee training on stormwater program issues at least once annually. Although the Annual Report for 2011 stated that two employees attended training and a PowerPoint given by the Board of Health was supplied, the City has not developed the required staff training program expected under the MS4 program as no attendance records could be produced and all relevant employees should be trained. The NPDES permit requires road maintenance crews and third-party contractors that conduct road maintenance on your behalf to implement stormwater pollution prevention practices at the work site as well. Road maintenance crews should be trained in all sediment and erosion controls and controls for other wastes that are commonly implemented at construction sites.

- **Failure to ensure adequate long-term operation and maintenance (O&M) of public/private stormwater management facilities.** This is a violation of Part III.B.5.d of the Ohio EPA General Stormwater NPDES permit and ORC 6111.04 and 6111.07. The City is required to have an inventory of all privately-owned post-construction BMPs installed since April 21, 2003 and public stormwater management facilities. The City must develop a program to ensure the long-term maintenance of these structures. Ohio EPA recommends that each facility be inspected at least once a year either by the City or the party responsible for long-term maintenance. We recommend the City develop checklists or adopt checklists as your standard for conducting these inspections. This will ensure that all facilities are inspected and that all BMPs are constructed and maintained according to the City's adopted standards. The City must establish standards for these maintenance tasks. Most communities reference standards contained in *Rainwater and Land Development* (ODNR, 2006) or the United States Environmental Protection Agency's Menu of BMPs rather than establish their own. Additional information can be found in the Center for Watershed Protection manual titled *Managing Stormwater in Your Community: A Guide for Building an Effective Post-Construction Program*. This manual can be downloaded at http://www.cwp.org/index.php?option=com_docman&task=cat_view&gid=76&Itemid=118

Please refer to the Stormwater Program Evaluation for more information on developing an effective long term maintenance program. A program to ensure long term maintenance of post-construction BMPs typically includes (a) maintaining an inventory of all public and those private post-construction BMPs installed since April 21, 2003, (b) maintaining a copy of the long-term maintenance plan for each BMP, (c) establishing a system to track maintenance activities by the responsible party, and (d) taking enforcement action if maintenance is not performed by the responsible party as required by the maintenance plan.

- **Failure to identify the source(s) of illicit discharge and eliminate sources not listed in Part III.B.3.g of NPDES permit #3GQ00008*BG.** This is a violation of Part III.B.3.e of the NPDES permit and ORC 6111.04 and 6111.07. The dry weather screening conducted by the Cuyahoga County Board of Health (CCBH) in 2011 revealed the existence of at least 11 possible illicit discharges according to the annual report. However, the City indicated that they have not conducted follow-up investigations on all of these discharges to determine the sources of dry weather flows and determine if the sources are authorized under Part III.B.3.g of the NPDES permit. For sources not authorized by the NPDES permit or included in the SWMP as an authorized occasional stormwater discharge, the City must take steps to eliminate them. Please provide me with a plan to investigate the sources of dry weather flow identified by CCBH, including a timeframe by which to complete each investigation. If the source of dry weather flow is indeed an illicit discharge, please provide me with your plan to eliminate these sources or the steps you have taken to eliminate these sources in the Annual Report for 2012, due April 1, 2013.
- **Failure to submit a Notice of Termination (NOT) within 45 days of reaching final stabilization on municipal construction projects.** This is a violation of Part IV.A of NPDES permit #OHC000003. Our records show that the City of Garfield Heights has one active project permitted under the Ohio EPA General Stormwater NPDES Permit for Construction Activities but indicated during the interview that this project was completed

and has reached final stabilization. Please submit an NOT for this completed project (see attachments for the list of projects).

Deficiencies

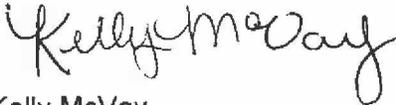
- The City has not developed checklists to inspect the Service Department or Fire Station. We strongly recommend the creation of stormwater inspection checklists for these facilities to standardize inspections and remind inspectors of the critical areas that must be reviewed during an inspection. Checklists should be included in the SWP3s for their facility.
- The City needs to track salt usage on a January-to-December calendar basis rather than a seasonal total as stated in Part IV.C of the Small MS4 NPDES Permit #OHQ000002 for reporting with the New Annual Report form.
- The City does not appear to track the total amount of street sweepings and catch basin cleanings removed from the MS4. Please be sure to track these amounts if you have not yet begun to do so, as it is required to be reported on the new Annual Report form. The amount of street sweepings should be tracked separately from the amount of catch basin cleanings. In addition, the City needs to track salt usage, catch basin cleaning, and street sweeping on a January-to-December calendar basis rather than a seasonal total as stated in Part IV.C of the Small MS4 NPDES Permit #OHQ000002 for reporting with the new Annual Report form. The City's salt usage records are lacking and this information needs to be tracked more closely. Please refer to the *Municipal Stormwater Program Evaluation on deicer usage*.
- Although some training has been offered to Service Department staff, the City has not developed the required staff training program expected under the MS4 program for all City employees, including staffs from the Service Department and Fire Station. Only two employees were listed as attending the Board of Health Training in the 2011 Annual Report. More employees should attend training sessions and be aware of the procedures and regulations. It is expected that all relevant employees receive training on stormwater pollution prevention practices. Relevant employees would include any employee whose job duties have an impact on stormwater runoff quality. Be aware that the NPDES permit requires your training program to provide at least one training event per year. Training opportunities involving Ohio EPA can be found at www.epa.ohio.gov/ocapp/storm_water.aspx. Training events provided by Ohio EPA and the materials used at those events are archived at this site and can be used by MS4s to train their staff. US EPA has an archive of MS4-related training at www.epa.gov/npdes/training. Be sure to include stormwater pollution prevention training in any new employee training program, where appropriate.
- The City has not provided any stormwater pollution prevention guidance materials to field staff that they can take out with them in the field. By making materials available to staff at the field level, implementation of stormwater BMPs should improve.
- *The City is required to have an inventory of all privately-owned post-construction BMPs installed since April 21, 2003 and all public stormwater management facilities.* Ohio EPA recommends that each facility be inspected at least once a year either by the City or the party responsible for long-term maintenance. We recommend the City develop checklists or adopt checklists as your standard for conducting these inspections. This will ensure that all facilities are inspected and that all BMPs are constructed and

maintained according to the City's adopted standards. See Notes in the *Stormwater Management Facilities Operation and Maintenance* section of the Municipal Stormwater Program Evaluation worksheet for information on how to improve your program.

Please review my comments and provide me with a letter of response indicating the actions you will take to address my concerns. **Your response should be received no later than DATE APPROXIMATELY 30 DAYS FROM THE DATE ON THE LETTER.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2012 will be due on April 1, 2013.

If you have any questions, please contact me at (330) 963-1125 or via e-mail at kelly.mcvay@epa.ohio.gov. Should you need further assistance after August 2, 2012, please contact Dan Bogoevski, District Engineer, Division of Surface Water, Northeast District Office at (330) 963-1145.

Sincerely,



Kelly McVay
Assistant to the District Engineer
Division of Surface Water

KM/cs

- cc: Bryan Mahoney, Foreman of Public Service, City of Garfield Heights (COVER LETTER)
Mayor Vic Collova (COVER LETTER)
- ec: Dan Bogoevski, Ohio EPA, DSW, NEDO (COMPLETE REPORT)