



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 26, 2012

RE: CUYAHOGA COUNTY
CITY OF MIDDLEBURG HEIGHTS
NOTIFICATION OF MUNICIPAL STORM
WATER PROGRAM INSPECTION

James Herron
Service Director
City of Middleburg Heights
15700 Bagley Road
Middleburg Heights, OH 44130

Dear Mr. Herron:

Ohio EPA has completed an audit for a portion of your municipal storm water 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 Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewers Systems (MS4s) OHQ000002 and Ohio Administrative Code 3745-39.

On July 24, 2012, Ohio EPA met with you and other representatives of the City of Middleburg Heights to determine compliance with the NPDES permit and the associated Storm Water Management Plan (SWMP). In performing this audit, Ohio EPA implemented the Municipal Storm Water Program Evaluation Guide developed by the United States Environmental Protection Agency.

Attached are the Municipal Storm Water 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 MS4 program. The following is a summary of our audit findings:

Violations

- **Failure to develop and implement a Storm Water Pollution Prevention Plan (SWP3) for the Service Department, Former Wastewater Treatment Plant, and Fire Station.** This is a violation of Part III.B.6.d.iii.2 of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. These facilities are required to have SWP3s in accordance with Ohio EPA industrial storm water regulations. The SWP3s need to include a comprehensive site evaluation to be completed at least once a year. Any deficiencies in the SWP3 or in the implemented BMPs revealed by the inspection should be recorded and the SWP3 must be revised to correct the problems. The SWP3 should also identify the responsible party for site inspections, and designate a storm water contact person for the facility. A site map is also part of an industrial SWP3, identifying the drainage of all storm water as well as any potential pollutant sources. 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 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 Storm Water 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 Storm Water 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 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 Ohio Revised Code (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 near the salt storage dome and general trash dumpster areas.
 - Failure to keep all dumpsters lidded and plugged to prevent the discharge of wastewater to the City's MS4.

Further, the City is noted for failure to implement sediment controls and to prevent the discharge of sediment to the stormwater inlets at the Former Wastewater Treatment Plant.

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 Storm Water Program Evaluation and Maintenance Facility Field Inspection Worksheets* regarding these operations.

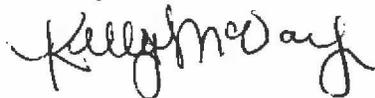
Deficiencies

- 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 Storm Water Program Evaluation on deicer usage*.
- The City has not provided any storm water 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 storm water BMPs should improve.
- The City has not developed contract language to require storm water BMP implementation when a third-party provides municipal operations on behalf of the City. Contract language must be added to all contracts with such parties, e.g., operators that provide car impoundment, herbicide/ pesticide application and mulching services, as well as road maintenance activities and emergency repairs. Further, we recommend periodic inspection of their operations to assure that they are implementing BMPs.
- *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.* Once the retention basin in the Pin Oaks Development is functioning properly as a water quality basin, the City must develop a program to ensure the long-term maintenance of this structure and any future 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. See Notes in the *Stormwater Management Facilities Operation and Maintenance* section of the Municipal Storm Water 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 August 29, 2012.** 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 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: Mayor Gary W. Starr, City of Middleburg Heights
Marty Kramer, Facility Maintenance Manager, City of Middleburg Heights
Donnie Cox, Foreman, City of Middleburg Heights
Laura Travers, Cuyahoga County Board of Health

ec: Dan Bogoevski, Ohio EPA, DSW, NEDO