



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 26, 2012

RE: CUYAHOGA COUNTY
CITY OF NORTH ROYALTON
NOTIFICATION OF MUNICIPAL STORM
WATER PROGRAM INSPECTION

Mark Schmitzer
Storm Water Program Coordinator
City of North Royalton
11545 Royalton Road
North Royalton, OH 44133

Dear Mr. Schmitzer:

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 June 21, 2012, Ohio EPA met with you 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 compile an inventory of all MS4 facilities, i.e. the Service Center, the Recreation Garage, the WWTPs, parks and cemeteries, and Police and Fire Stations.** This is a violation of Part III.B.6.c of NPDES Permit #OHQ000002 and 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 storm water pollution prevention plan (SWP3) for the Service Center, Recreation Garage, Fire Stations, and Police Station.** This is a violation of Part III.B.6.c of the City's NPDES Permit #3GQ00044*BG. The NPDES permit #OHQ000002 required SWP3s to be developed and implemented at these facilities within two years of NPDES permit renewal, i.e., June 3, 2011. The SWP3 needs 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. If the Police Station, Fire Station 1, or Fire Station 2 are deemed eligible and file No Exposure, no SWP3 is required of these facilities. More information on obtaining a No Exposure Certification is provided in the attached interview worksheet.

- **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 Ohio Revised Code 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 storm water, 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. Further, these spoils may not be re-used as road fill without explicit permission from Ohio EPAs Division of Materials and Waste Management. See comments in the attached worksheets for suggestions and recommendations.
- **Failure to provide controls for reducing or eliminating the discharge of pollutants from the Service Center Facility and Recreation Garage.** 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 aforementioned facilities:
 - Failure to provide containment for the street sweepings and catch basin cleanings pile at the Service Facility. Refer to the Maintenance Facility Field Inspection Worksheet for the Service Center for more information.
 - Failure to implement sediment controls around material stockpiles, e.g. gravel, dirt, street sweeping, etc. piles in the yard area at the Service Center.
 - Failure to provide containment for household items collected and stored in the parking lot at the Service Center e.g. used oil, recycling, etc. Staining in this area indicated leaks have occurred.
 - Failure to provide containment for salt, which was bulging out of the salt storage building at the Service Facility.
 - Failure to keep sediment from vehicles awaiting washing out of the storm drain outside of the wash bay at the Service Facility.
 - Failure to prevent the discharge of wastewater from garbage trucks to the City's MS4 at the Service Facility.
 - Failure to keep general trash dumpsters lidded to prevent the discharge of wastewater to the City's MS4 at the Service Facility and Recreation Garage.
 - Failure to prevent the discharge of wastewater associated with mower washing at the Recreation Garage.

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.

- **Failure to provide employee training on storm water pollution prevention practices at least once per year beginning in 2009.** This is a violation of Part III.B.6.e of NPDES permit #3GQ00044*BG. No documentation for employee training sessions was provided. Employee training must be provided to at least once each year of NPDES permit #3GQ00044*BG (2009 to 2014). See the Interview Worksheet for further information on where training materials can be obtained.
- **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. No documentation regarding these structures was provided. 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.

Deficiencies

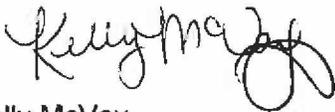
- The City has not developed checklists to inspect the Service Center, Recreation Garage, Fire Stations, or Police Station. We strongly recommend the creation of storm water inspection checklists for these facilities to standardize inspections and remind inspectors of the critical areas that must be reviewed during an inspection. Checklists should be included in the SWP3s for facilities that require one.

- 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 did not provide me with a copy of a pesticide, herbicide and fertilizer application plan. The development of a formal application plan is an important tool in minimizing the application of these storm water pollutants. Please provide me with an application plan.
- 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.

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 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: Mayor Robert A. Stefanik, City of North Royalton

ec: Dan Bogoevski, Ohio EPA, DSW, NEDO