



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

September 4, 2012

Brad Stanton
City of Delaware
225 Cherry Street
Delaware, Ohio 43015

**Re: City of Delaware
Municipal Storm Water
Annual Report Review – 2011
Facility Permit No: 4GQ00024*BG**

Dear Mr. Stanton:

On February 24, 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 Delaware uses Cardno ENTRIX to conduct all or part of the Minimum Control Measure (MCM) program. The Memorandum of Understanding (MOU) outlining the responsibilities between The City of Delaware and Cardno ENTRIX has not been provided. Please submit a current, signed copy of this MOU or contract.
- The attachment that identifies the construction sites within your jurisdiction that are subject to storm water pollution prevention plan (SWP3) review and site inspection is noted but not complete. Please 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 Delaware has not enacted the following ordinances or resolutions, or met the following NPDES permit requirements. Due to your status as an Appendix 7 community, these items are required to be completed by the end of your first permit term (IDEE and Employee Training) or within 2 years of NPDES permit renewal (Construction and Post-Construction):

- **Illicit Discharge Detection and Elimination** – Your report indicated that an ordinance concerning IDDE has not yet been enacted. Failure to enact an ordinance or resolution to prohibit illicit discharges into your municipal separate storm sewer system by the end of your first permit term will be a violation of Part III.B.3.d 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 MS4** – The City of Delaware has not completed the mapping of their municipal separate storm sewer system within the Urbanized Area (UA). Please be aware that mapping of outfalls is to be completed by end of your initial NPDES permit coverage. Mapping of the rest of the system must be completed within 5 years of NPDES permit renewal. Mapping is to include catch basins, pipes, ditches, flood control facilities, all publicly-owned post-construction water quality BMPs and those private post-construction water quality BMPs installed to meet the requirements of the Ohio EPA NPDES permit for construction activities and/or your local post-construction ordinance.
- **Mapping of Home Sewage Treatment Systems (HSTs)** – The City of Delaware has not submitted a list of all HSTs within the UA that discharge to the MS4 and a storm sewer map showing their location. Please be aware that this list and map are to be completed within 5 years of your initial NPDES permit coverage.
- **Dry Weather Screening of MS4 Outfalls** – The City Delaware 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 within 5 years of the renewal of your NPDES permit.
- **SWP3 Plan Review and Site Inspection** – During the reporting period, Ohio EPA issued NPDES permit coverage to the following construction sites within your community:

Permit Number	Facility Name	Issue Date
4GC03518*AG	GLENROSS PARK	4/29/2011
4GC03575*AG	TIRE DISCOUNTERS-SUNBURY RD	6/24/2011
4GCO00043*AG	ADALEE PARK & MILLBROOK	3/10/2011
4GCO00045*AG	RICHWOOD BANK - DELAWARE/VALLEY RUN DRIVE	4/7/2011
4GCO00047*AG	COMMUNITIES AT GLENROSS SECTION 2, PART A & B	4/18/2011
4GCO00049*AG	WEISER AVENUE STREAM RESTORATION	4/28/2011
4GCO00050*AG	DACC DRIVE IMPROVEMENTS	4/28/2011
4GCO00051*AG	GLENROSS PARK	4/28/2011
4GCO00052*AG	GLENROSS PARK	5/5/2011
4GCO00053*AG	TURKEY HILL MINIT MARKET #707	5/5/2011
4GCO00056*AG	MINGO PARK GRADING, PATH, PARKING & UTILITY IMPROV	8/23/2011
4GCO00058*AG	FOOT & ANKLE WELLNESS CENTER	8/31/2011

The Ohio EPA NPDES list contains construction activities not found on your community's list of construction activities subject to SWP3 review and site inspection. This may indicate that you are not performing plan review and site inspection as required by your municipal storm water permit. For each instance where a site appears on the Ohio EPA NPDES permit list, but the site does not appear on your list, please provide an explanation as to why your community did not conduct a SWP3 review or site inspection.

- **Post-Construction BMP Verification** – During the reporting period, Ohio EPA received Notices of Termination for the following construction sites within your community:

Permit Number	Facility Name	Issue Date
4GC02268*AG	BYERS TOYOTA	1/4/2011
4GC02939*AG	BYERS TOYOTA (ADDITIONAL WORK TO PERMIT 4GC02939)	1/4/2011
4GC03645*AG	GREAT LAKES REGIONAL DISTRIBUTION CENTER	10/26/2011
4GCO00003*AG	LIBERTY ROAD WIDENING AT HAVENER PARK	10/26/2011
4GCO00015*AG	DELAWARE HOTEL	5/3/2011
4GCO00015*AG	DELAWARE HOTEL	5/3/2011
4GCO00039*AG	DELAWARE AREA CAREER CENTER	11/15/2011
4GCO00040*AG	MINGO PARK TREE CLEARING	8/17/2011

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 14 days from the receipt of this letter.

If you have any questions, please contact me at 614-728-3844 or Harry.Kallipolitis@epa.state.oh.us.

Sincerely,



Harry Kallipolitis
Storm Water Coordinator
Division of Surface Water
Central District Office

c: City Council and Mayor of Delaware
Cardno Entrix

ec: Jason Fyffe, DSW, CO