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

June 14, 2013

Re: Washington County
City of Marietta
MS4 Storm Water Activity
Permit 0GQ00001*BG
Notice of Violation

Mr. Jonathan Hupp
301 Putnam Street
Marietta, Ohio 45750

Dear Mr. Hupp:

On June 5, 2013, Ohio EPA reviewed your 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. Ohio EPA has determined the following:

The annual report for reporting year 2012 is incomplete. In particular, the annual report does not provide the following information:

- The Memorandum of Understanding (MOU) between you and third parties has not been provided. Please submit a current, signed copy of this (these) MOU(s) or contracts. NOTE: Third parties should include consulting engineering firms if they provide services to accomplish requirements of the MS4 permit.

- 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 sublot 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.

- A list of municipal facilities subject to the pollution prevention good housekeeping program

Here are my comments on your annual report as it relates to the six minimum control requirements found in your permit.

PART III. B. 1. Public Education and Outreach on Storm Water Impacts

You appear to be meeting the intent of the MS4 permit in this area.

Please be aware that the NPDES permit requires you to conduct at least 5 storm water education campaigns during the current NPDES permit term, with at least one campaign targeting the development community. Education campaigns must employ more than 1 mechanism of message delivery.

PART III. 2. Public Involvement/Participation

You appear to be meeting the intent of the MS4 permit in this area.

Please ensure that the public is made aware of public meetings in a fair and effective manner.

Please be aware that the NPDES permit requires you to conduct at least 5 public involvement activities during the current NPDES permit term.

PART III. 3. Illicit Discharge Detection and Elimination

The water quality ordinance is the most important portion of the MS4 program. Marietta must update all ordinances to meet Ohio EPA requirements by December 31, 2013. If the ordinances are not implemented by then an enforcement meeting will be held here in Logan to discuss enforcement actions. **You are in violation of permit conditions until this task is completed.**

Mapping of the system must be completed within 5 years of NPDES permit renewal unless you request an extension with a timeline for completion. 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 requirement of the Ohio EPA NPDES permit for construction activities and/or your local post-construction ordinance.

Please be aware that the HSTS list and map are to be completed within 5 years of your initial NPDES permit coverage.

Please be aware that you must conduct dry weather screening of 100% of your outfalls by the end of the current NPDES permit term.

PART III. 4. Construction Site Storm Water Runoff Control

The water quality ordinance is the most important portion of the MS4 program. Marietta must update all ordinances to meet Ohio EPA requirements by December 31, 2013. If the ordinances are not implemented by then an enforcement meeting will be held here

in Logan to discuss enforcement actions. **You are in violation of permit conditions until this task is completed.**

PART III. 5. Post-Construction Storm Water Management in New Development and Redevelopment

The water quality ordinance is the most important portion of the MS4 program. Marietta must update all ordinances to meet Ohio EPA requirements by December 31, 2013. If the ordinances are not implemented by then an enforcement meeting will be held here in Logan to discuss enforcement actions. **You are in violation of permit conditions until this task is completed.**

PART III. 6. Pollution Prevention/Good Housekeeping for Municipal Operations

You appear to be meeting the intent of the MS4 permit in this area.

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. In addition, federal law allows for third party lawsuits for failure to comply with your NPDES permit.

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 30 days from receipt of this letter.

If you have any questions, please contact me at (740) 380-5277.

Sincerely,

Aaron Wolfe
Storm Water Section
Division of Surface Water

AMW/dh