



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

Re: **Notice of Violation**  
Erie County  
Erie County & Others/City of Huron  
MS4 Storm Water  
Facility ID Number: 2GQ00027

June 17, 2013

Mr. Andrew White  
City Manager  
City of Huron  
417 Main Street  
Huron, Ohio 44830

Ms. Crystal Dymond  
Storm Water Program Coordinator  
Erie Soil and Water Conservation District  
2900 Columbus Avenue, Room 131  
Sandusky, Ohio 44870

Dear Mr. White and Ms. Dymond:

As you know, Erie County/Erie County Engineer, City of Sandusky, City of Huron, City of Vermilion, Village of Bay View, Margaretta township, and Perkins Township (a.k.a. Erie County & Others) operate as co-permittees under Ohio EPA's General Storm Water National Pollutant Discharge Elimination System (NPDES) permit for Small Municipal Separate Storm Sewers Systems (MS4s), also known as the Small MS4 Permit. Under the Small MS4 Permit, Erie County & Others is required to develop and implement a Storm Water Management Program (SWMP) to control the discharge of pollutants to waters of the state. On May 28, 2013, I met with Andrew White and Laura Alkire, City Law Director, to discuss the current status of the City's storm water program and their NPDES permit obligations.

On February 23, 2011, the City of Huron entered into a Memorandum of Understanding (MOU) with Erie Soil and Water Conservation District (District). The MOU was to be effective for three years. The MOU states that the District is responsible for: updating the SWMP, payment for permit renewal and for annual discharger fees, collection of City information and writing the MS4 annual report, development and implementation of the public education and outreach minimum control measure of the permit, and providing SWP3 review on all plans (submitted by the City to the District) and inspecting all commercial, industrial, and residential developments greater than an acre. The 2012 Annual Report did not indicate any changes to the SWMP for the 2013 calendar year, but did indicate the intent to revise and update the SWMP.

On December 13, 2012, the City notified the District of their decision to terminate the MOU. From the May 28, 2013, meeting, it is my understanding that the City restructured their SWMP in January 2013. A consultant was hired to manage it. The City has an agreement with the Erie County Health Department to implement portions of the Illicit Discharge Detection and Elimination minimum control measure. The

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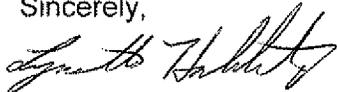
City is also currently drafting updated ordinances. Ordinances were to be in place by 2008, with the construction and post construction storm water management ordinances updated to be equivalent with the technical requirements of Ohio EPA's 2008 NPDES Construction General Permit (CGP) by June 17, 2011. A brief review of the ordinances indicated some deficiencies. Existing ordinances cover many aspects of illicit discharges, but they should be reviewed to insure all types of sources and discharge mechanisms are addressed. Huron Municipal Code 921.01 is a blanket adoption of the 2008 Erie County Stormwater Management Rules, Regulations and Erosion Control Manual. However, Appendix F had not been updated to be technically equivalent to the Ohio EPA 2008 Construction General Permit, including Table 2 and the requirement that no more than one-half of the EDv or WQv be released in the first one-third of the required drain time. Also, several sections (such as 1.50 and 1.15) of the Erie County Regulation describe the county engineer's and commissioners' roles in administering the program, not the City's. While the City's NPDES permit coverage still remains in effect, these items present compliance issues. **Failure to meet permit requirements and implement Best Management Practices (BMPs) outlined in the existing SWMP/Annual Reports is a permit violation and a violation of Ohio Administrative Code (OAC) 3745-39.**

To be in compliance with the permit, Huron must follow the current permit and SWMP. While the co-permittees may modify the SWMP, the conditions outlined in Part III.D.2. of the permit must be followed. The mechanism used by the group to modify the SWMP is an internal matter, especially since I do not have a copy of a written agreement that describes the group's organizational procedures. As an alternative to sharing compliance responsibility with other permittees, the City of Huron may submit a separate NPDES permit application consisting of a Notice of Intent (NOI) form, an SWMP, and a \$200 application fee. The City is obligated to implement all aspects of the existing SWMP until such time as an NOI with an alternate SWMP is submitted to and approved by Ohio EPA. If pursuing permit coverage independently, the City will be solely responsible for the MS4 annual discharger fee. Preliminary invoices are issued each September. The fee amount is \$100a square mile based on the permitted area, not to exceed \$10,000.

I am requesting that the City of Huron submit within 14 days of the date on this letter their written plan to comply with the Small MS4 permit and OAC 3745-39. The response must include completion dates for any actions. I encourage Erie County & Others to formalize in writing everyone's roles, responsibilities, and create by-laws to guide the functions of the group, including SWMP decision making and dispute resolution.

If there are any questions, please contact me at 419-373-3009.

Sincerely,



Lynette Hablitzel, P.E.  
Division of Surface Water  
Storm Water Program

/jlm

ec: Crystal Dymond, Storm Water Program Coordinator, Erie Soil & Water Conservation District  
Peter Schade, Erie County Health Department  
Jason Fyffe, Ohio EPA, CO  
Tom Poffenbarger, Ohio EPA, NWDO  
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