



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

July 9, 2013

RE: LORAIN COUNTY  
CITY OF AVON LAKE  
MUNICIPAL STORM WATER  
MCM #6 AUDIT FOLLOW-UP  
3GQ00116\*BG  
**NOTICE OF VIOLATION**

Joseph R. Reitz  
Stormwater Program Manager  
City of Avon Lake  
150 Avon Belden Road  
Avon Lake, OH 44012

Dear Mr. Reitz:

On July 23, 2009, Ohio EPA conducted an audit of your Pollution Prevention and Good Housekeeping (P2GH) Program required under the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewers Systems (MS4s) OHQ000002 and Ohio Administrative Code 3745-39. The audit identified several violations and a number of deficiencies in the P2GH program. On May 28, 2013, Robert Hrusovsky and Tim McParland of Ohio EPA met with you, representing the City of Avon Lake, to evaluate the violations and deficiencies and determine if adequate corrective action has been taken.

**Storm Water Pollution Prevention Plans for Municipal Operations**

Although the City has developed Storm Water Pollution Prevention Plans (SWPPPs) for the Avon Lake Service Department at 750 Avon Belden Road and the Avon Lake Municipal Utilities Facility at 201 Miller Road, the SWPPPs **do not meet** the minimum requirements of the NPDES permit. The NPDES permit for small MS4s requires the City of Avon Lake to develop and implement SWPPPs in accordance with the Ohio EPA General NPDES Permit for Storm Water Associated with Industrial Activities #OHR000004. Our review indicates that the SWPPPs do not address the following minimum requirements of NPDES permit #OHR000004:

- A site map must be provided indicating the drainage area of each storm water outfall, each existing structural control measure to reduce pollutants in storm water runoff, surface water bodies, and locations where significant materials and activities are exposed to precipitation. In addition, the site map must indicate the location of the following activities where such activities are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.
- The plans fail to establish a schedule for routine facility inspections or identify the qualified personnel responsible for conducting such inspections. You indicated that the Avon Lake Service Department and Avon Lake Municipal Utilities Facility are not inspected on a routine basis to ensure implementation of storm water best management practices.

- The SWPPPs do not include provisions for a comprehensive site evaluation to be completed at least once a year or identify the qualified personnel responsible for conducting such inspections. Any deficiencies in the SWPPP or in the implemented BMPs revealed by these evaluations are to be documented and the SWPPP must be revised to correct the problems.
- The SWPPPs do not designate a pollution prevention team or storm water contact person for each facility.
- The SWPPPs do not describe the procedures for preventing and responding to spills and leaks or the contact information for individuals and agencies that must be notified in the event of a spill.
- The plan does not include a Non-Storm Water Discharge Certification. The facility must be evaluated for the presence of unauthorized non-storm water discharges, e.g., cross-connections between storm sewers and sanitary laterals. Such discharges must be authorized by an appropriate NPDES permit or eliminated.
- The plan does not identify areas which, due to topography, activities or other factors, have a high potential for significant soil erosion, or the measures required to limit erosion.
- The SWPPPs do not provide a schedule for employee training for the staff at each facility.

The SWPPP for the Service Department must include a description of the compost and mulching operations at the facility. These industrial activities occur at the site, but they are not identified within the SWPPP. In addition, although there was nothing stored there at the time of this inspection, street sweepings and catch basin cleanings are temporarily stored at the Service Department. Include a description of street sweeping/catch basin cleaning operations in the SWPPP as well.

**Failure to develop an SWPPP for the Avon Lake Service Department and the Avon Lake Municipal Utilities Facility in compliance with Ohio EPA General NPDES Permit #OHR000004 by June 4, 2011, is a violation of Part III.B.6.c of NPDES permit #OHQ000002 and Ohio Revised Code 6111.04 and 6111.07.**

### **Other Pollution Prevention and Good Housekeeping Program Findings**

The following is a summary of other findings of our follow-up inspection:

#### **Violations**

- **Failure to implement an annual employee training program for maintenance and field staff in order to prevent and reduce storm water pollution.** This is a violation of Part III.B.6.e of the NPDES permit #OHQ000002 and ORC 6111.04 and 6111.07. This is a repeated violation from 2009. The City indicated that employee training was conducted in 2010 and 2011. Documentation of training was provided for 2010, but none for 2011. The City failed to conduct an employee training event in 2012. The permit requires your training program to provide at least one training event per year.

**Program Deficiencies**

- 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. This was a deficiency in the 2009 audit that was never addressed. By making materials available to staff at the field level, implementation of storm water BMPs should improve.
- The City has not developed an efficient way to track the amount of salt used. This was a deficiency in the 2009 audit as well. The City needs to track salt used, not just salt purchased. Further, the City must track salt usage on a January-to-December calendar basis as stated in Part IV.C of the Small MS4 NPDES Permit #OHQ000002 for reporting with the Annual Report form.

Please provide me with a letter of response indicating the actions you will take to address the violations and concerns listed above. **Your response must be received no later than July 29, 2013.** Please be aware that Ohio EPA takes compliance with the MS4 program seriously. Violations of ORC 6111 are subject to enforcement action. The violations noted above will be referred to our Central Office for possible enforcement action. Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

If you have any questions, please contact me at (330) 963-1145 or via e-mail at [dan.bogoevski@epa.ohio.gov](mailto:dan.bogoevski@epa.ohio.gov).

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB:ddw

cc: Greg Zilka, Mayor, City of Avon Lake  
Richard Kasten, Avon Lake Municipal Utilities, City of Avon Lake