



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

July 26, 2013

RE: CUYAHOGA COUNTY  
VILLAGE OF CHAGRIN FALLS  
MUNICIPAL STORM WATER  
MCM #6 INSPECTION  
3GQ00108\*BG

Ben Himes  
Village Administrator  
Village of Chagrin Falls  
21 West Washington Street  
Chagrin Falls, OH 44022

**NOTICE OF VIOLATION**

Dear Mr. Himes:

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 3, 2013, Ohio EPA met with you and other representatives of the Village of Chagrin Falls to determine compliance with the NPDES permit and its 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 obtain NPDES permit coverage for storm water discharges associated with industrial activity from the Wastewater Treatment Plant.** This is a violation of Ohio Revised Code (ORC) 6111.04 and Ohio Administrative Code 3745-38-09. Although the Village had submitted a No Exposure Certification (NOE) to Ohio EPA for the wastewater treatment plant, our inspection revealed that the facility does not qualify for a no exposure exemption. If you would like to add storm water language to the existing NPDES permit for wastewater discharges from the plant, please submit Form 2F of the individual NPDES permit application. Form 2F can be found at [http://epa.ohio.gov/portals/35/permits/NPDES\\_Form\\_2f.pdf](http://epa.ohio.gov/portals/35/permits/NPDES_Form_2f.pdf). You may also obtain coverage under the Ohio EPA General NPDES Permit for Storm Water Associated with Industrial Activities #OHR000005 by submitting a Notice of Intent (NOI). The NOI application can be found at [http://epa.ohio.gov/Portals/35/storm/Industrial\\_Storm\\_MSGP\\_NOI.pdf](http://epa.ohio.gov/Portals/35/storm/Industrial_Storm_MSGP_NOI.pdf). In either case, a Storm Water Pollution Prevention Plan (SWP3) will need to be developed and implemented for this facility.

- **Failure to provide controls for reducing or eliminating the discharge of pollutants from municipal operations.** This is a violation of Part III.B.6.d.iii.2 of the Small MS4 NPDES Permit #OHQ000002 and ORC 6111.04 and 6111.07. This violation was noted for the following operations:
  - At the Streets Garage, failure to provide sufficient sediment controls before discharging storm water into the Chagrin River. Straw bales have been placed to settle sediment, but they are not an acceptable primary sediment control. We recommend the Village install a more permanent storm water quality pond. Disturbed areas within 50 feet of the stream should be stabilized and remain permanently vegetated.
  - At the Streets Garage, salt is stored within a dome, but mixing and loading occur outside the shelter. There was evidence of salt residual on the ground outside the dome. Clearlane, a deicing agent, is tarped, but stockpiled outside. This area drains directly to the Chagrin River. The City should consider building a covered loading area and shelter under which to store Clearlane. Adopt good housekeeping practices to clean up salt spills at the time they occur.
  - Failure to install sediment controls and initiate temporary stabilization of soil stockpiles at the Evergreen Cemetery. These measures are required to control erosion. Temporary stabilization is to be initiated within 7 days of last disturbance (within 2 days if within 50 feet of a stream) on bare areas that will remain idle for 14 days or longer.
  - Personnel at the Police/Fire Department facility have not received training on storm water pollution prevention practices. Although a condition of No Exposure currently exists at this facility, it is important to train personnel how to maintain that condition. The Village should consider including this staff when conducting annual employee training required under Part III.B.6.e of the NPDES permit.
  - Some vehicle washing and equipment cleaning at the WWTP occurs outdoors. All vehicle washing and equipment cleaning is to occur indoors where the floor drains connect to sanitary sewer or in an area that will drain back to the headworks of the treatment plant. The NPDES permit for storm water that you must obtain for this facility will not authorize the discharge of vehicle and equipment washwater or washwater generated by tank cleaning operations.
  - Failure to properly label used oil at the WWTP. Containers of used oil must be labeled "Used Oil" per OAC 3745-279. The used oil drums in the storage locker outside the Filter Building were not labeled.

Controls must be implemented immediately. We discussed the installation of silt fence or a sediment trap as temporary control measures until a more permanent solution can be developed. Please review the comments within the attached *Facility Field Inspection Worksheets* regarding these operations.

- **Failure to inspect commercial construction sites for compliance with the approved Storm Water Pollution Prevention Plan (SWP3).** This is a violation of Part III.B.4.c of the NPDES permit and ORC 6111.04 and 6111.07. Although this audit focused on MCM #6, the Village was questioned about its construction site runoff control program (MCM #4) and indicated that they do not inspect commercial development. Please be aware that the NPDES permit requires the

Village to implement a program to ensure the implementation of sediment and erosion control and other pollution prevention practices at all construction activities where the larger common plan of development or sale disturbs 1 or more acre. With a few exceptions such as oil and gas exploration, agriculture or silvicultural tree clearing, construction activity that must be regulated includes any clearing, grading, grubbing, filling or excavating. These requirements pertain to new development as well as redevelopment. Required elements of the program include: review of the SWP3, an initial site inspection and monthly follow-up inspections (unless otherwise justified in the Storm Water Management Program), and enforcement action as allowed by Chapter 1355 of the municipal code to ensure compliance with the approved SWP3.

- **Failure to implement a program to ensure long-term operation and maintenance of privately-owned post-construction storm water BMPs installed since April 21, 2003.** This is a violation of Part III.B.5.d of the NPDES permit and ORC 6111.04 and 6111.07. Although the Village has enacted a local ordinance that establishes the authority to access private post-construction BMPs and order maintenance action, there is no evidence that the Village has implemented a program to enforce the ordinance. Chapter 1357.13 of the municipal code indicates that the Village will inspect storm water practices periodically and issue written notifications to property owners if maintenance is needed. However, the Village has not conducted any such inspections of privately-owned BMPs and has not sent out any such written notifications to property owners. The term “periodically” must be defined within the Storm Water Management Program (SWMP). Please amend the SWMP to provide a measurable timeframe for long-term maintenance inspections of post-construction BMPs.

### Deficiencies

- Please be sure to update the inventory of municipal operations in your Storm Water Management Program (SWMP) plan and within your Annual Report. We noted that the SWMP and Annual Report do not acknowledge the Chagrin Falls WWTP or Evergreen Cemetery Maintenance Facility as municipal operations.
- Although the Village did report most of the maintenance activities conducted by municipal operations for the 2012 reporting year, the Annual Report did not include the quantity of street sweepings collected. Please note that this information is to be submitted in the Annual Report required by Part IV.C of the NPDES permit. Please ensure that you are quantifying the amount of material collected through street sweeping and tracking where it is disposed. Street sweepings are a municipal solid waste and must be disposed accordingly. Other reporting items that can be improved include salt usage and catch basin cleanings. The amount of street sweepings should be tracked separately from the amount of catch basin cleanings. All amounts are required to be reported on a January 1<sup>st</sup> to December 31<sup>st</sup> calendar basis.
- The Streets Superintendent and Utilities Foreman are responsible for ensuring the implementation of storm water best management practices at the Streets Garage and Wastewater Treatment Plant (WWTP), respectively, but a storm water contact has not been designated for other facilities. In particular, storm water contacts should be designated for the Police/Fire Department and Evergreen Cemetery Maintenance Facility.
- Although the Village has developed checklists to inspect the Service Garage and Police/Fire Department, no inspection checklists have been developed for the Evergreen Cemetery Maintenance Facility or WWTP. 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. If action is taken to eliminate exposure at the Evergreen Cemetery, the inspection should be conducted periodically to ensure a condition of no exposure remains. For the WWTP, the checklist should be an appendix within the SWP3 and should be used to conduct Routine Facility Inspections a minimum of once per quarter and a more Comprehensive Site Inspection once per year.

- The SWP3 for the Service Garage does not address all industrial activities that occur at this facility. The SWP3 must be modified to include BMPs for leaf collection and storage. Also, the site map in the SWP3 must be updated. It does not show the location of structural storm water BMPs or the location of the fueling station.
- Sludge loading at the WWTP is exposed to storm water. Although sludge is dropped via an overhead hopper into truck beds, there are times when sludge will spill onto the ground. Good housekeeping practices are needed to immediately sweep up spilled sludge. The WWTP may want to consider constructing an overhang or other such shelter so that the hopper and truck bed are not exposed during this process.
- The Village has developed an inventory of private post-construction BMPs installed since April 21, 2003, but has not yet mapped them. Please be aware that this is required by Part III.B.3.b of the MS4 permit and must be completed by June 3, 2014. Be sure that you establish a process to add new post-construction BMPs to that inventory as new development and redevelopment occur. The MS4 map must be updated annually.

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 31, 2013.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2013 will be due on April 1, 2014.

If you have any questions, please contact me at (330) 963-1128 or via e-mail at [robert.hrusovsky@epa.ohio.gov](mailto:robert.hrusovsky@epa.ohio.gov).

Sincerely,



Bobby Hrusovsky  
Assistant to the District Engineer  
Division of Surface Water

BH:ddw

cc: Rob Jamieson, Superintendent of Streets, Village of Chagrin Falls  
Mark Davis, Utilities Foreman, Village of Chagrin Falls  
ec: Dan Bogoevski, Ohio EPA, DSW, NEDO  
Erm Gomes, Ohio EPA, DSW, NEDO