



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

July 30, 2013

RE: CUYAHOGA COUNTY
CITY OF BROOKLYN
MUNICIPAL STORM WATER PROGRAM
MCM #6 FOLLOW-UP INSPECTION
3GQ00047*BG

Mr. Doug Courtney, PE
City Engineer
City of Brooklyn
700 Beta Drive, Suite 200
Mayfield Village, OH 44143

NOTICE OF VIOLATION

Dear Mr. Courtney:

On June 25, 2013, Bobby Hrusovsky of the Ohio EPA's Division of Surface Water met with you to conduct an inspection of your municipal separate storm sewer system (MS4) program as a follow-up to an audit conducted on July 7, 2009. This inspection focused on the violations and deficiencies noted during the audit, which primarily focused on minimum control measure #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.

The following is a summary of our inspection findings:

Violations

- **Failure to develop a Storm Water Pollution Prevention Plan (SWPPP) for the Service Garage.** This is a violation of Part III.B.6.c of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. The deadline to complete the SWPPP was June 3, 2011. A SWPPP for the Brooklyn Service Garage located at 9400 Memphis Avenue must be developed and implemented in accordance with the SWPPP requirements of the Ohio EPA's Industrial Storm Water General Permit #OHR000004. The SWPPP must contain the following minimum items:
 - **Pollution Prevention Team** – Identify the specific individuals within the organization that are responsible for developing and implementing the SWPPP. The plan must identify the responsibilities of each team member.
 - **Site Map** – The map must indicate 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. The map must also show the location of the following activities if they are exposed to precipitation: fueling stations, vehicle and equipment maintenance and/or cleaning areas, loading/unloading areas, locations used for the treatment, storage or disposal of wastes, liquid storage tanks, processing areas and storage areas.

- **Inventory of Exposed Materials** – The inventory must include a narrative description of the materials handled, treated, stored or disposed at the facility and the method or location of on-site storage or disposal. You must also identify where spills or leaks could occur and the corresponding outfall to which they could discharge.
- **Measures and Controls** – Describe the storm water management controls implemented for exposed materials and schedules for their implementation. Practices are to include: good housekeeping, preventative maintenance, spill prevention and response, routine facility inspections, employee training, recordkeeping and internal reporting procedures, sediment and erosion control, and storm water management structures. You must also provide a certification that storm water discharges do not contain any unauthorized non-storm water discharges.
- **Comprehensive Site Compliance Evaluation** – A member of the Pollution Prevention Team must conduct a comprehensive site compliance evaluation once per year. Any deficiencies in the SWPPP or in the implemented best management practices (BMPs) revealed by the inspection should be recorded and the SWPPP must be revised to correct the problems. The SWPPP should also designate a storm water contact person and identify the responsible party/parties for site inspections.

Please note that Ohio EPA renewed the general NPDES permit for storm water associated with industrial activities on January 1, 2012 (see http://epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx). Ohio EPA expects that MS4s will be required to upgrade SWPPPs for municipal operations to meet the requirements of NPDES permit #OHR000005 under the next generation of the NPDES permit for small MS4s (due for renewal on January 30, 2014). As such, Ohio EPA recommends that the City review the guidance material and SWPPP templates associated with NPDES permit #OHR000005 when developing the SWPPP and write a plan that meets these minimum requirements.

- **Failure to implement a Storm Water Pollution Prevention Plan (SWPPP) for the Service Garage. Failure to implement controls to reduce or eliminate the discharge of pollutants from the MS4.** This is a violation of Part III.B.6.c and Part III.B.6.d.iii.2 of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. The deadline to implement the SWPPP was June 3, 2011. Although some BMPs have been implemented since our inspection in 2009, there are still areas of concern that require your attention:
 - **Salt Storage and Spill Clean-Up** – The City has not implemented best management practices (BMPs) in regards to salt storage and spill clean-up. Salt can be seen tracking north and into a possible wetland (Figure 1). A heavy concentration of salt is present outside along the north side of the salt barn (Figure 2). Salt has been heavily tracked outside the salt barn entrance, forming a thick bed of salt (Figure 3). The exposed salt must be cleaned up immediately and remain under cover. Many of these same conditions were observed during our audit in 2009.

- **Paint Cans and Other Waste Storage Areas** – Our inspection in 2009 noted a violation concerning the improper storage and disposal of waste from municipal operations. Waste was stored in areas exposed to storm water without BMPs. In response, the City has constructed an overhang on the side of the Service Garage (Figure 4). Paint cans and other waste materials are stored under the overhang, but secondary containment is suggested. For paint containers, this could take the form of a cardboard box with a plastic liner. The City of Solon places cans in plastic swimming pools collected during curbside trash pick-up. In case of any leaks or spills, the materials remain contained. Also, be sure to implement spill response and remediation procedures completely. We noted that some oils have spilled and oil absorbent has been spread on that area (Figure 5), however spent absorbent must be disposed of properly and in a timely manner. Sweep up spent oil absorbent and dispose of it in the dumpster.
- **Above-Ground Gasoline Tank along North Wall of Service Garage** – The gas tank is not in secondary containment, but is double-walled. The emergency shut-off button is located inside the building. Install a sign that clearly states that the button is located inside. Also, clearly label the shut-off button inside the building. There is no spill kit in close proximity to the tank. Place a spill kit, clearly labeled, nearby the tank in case of any spills.
- **Main Gas Tank** – A spill kit is provided next to the gas tank. The emergency shut-off is clearly labeled. There is a leak, possibly from one of the connecting pipes, behind the left pump box (Figure 8). Use oil absorbent to clean the spill. Check for leaks. A pipe or connection piece may need to be repaired or replaced.
- **Soil/debris Stockpiles** – There are a few stockpiles of dirt and debris, one containing scrap materials, around the salt dome (Figure 6). The storage of scrap materials was noted in the 2009 audit. If there is no planned use for these materials, they must be properly disposed or recycled to keep the area clean. These stockpiles contain erodible soil as well. Erodible materials must be stored under cover, tarped or be stabilized to prevent the material to get washed away with the runoff during a rain event. If the debris is removed from the stockpile, leaving just loose soil, it can be seeded and mulched so as to stabilize the soil.
- **Waste Dumpster** – The general waste dumpster is uncovered (Figure 7). Dumpsters must be covered with a lid or tarp to prevent the collection of storm water and the formation of leachates.

The implementation of the suggested practices will help eliminate or reduce the discharge of pollutants from the Service Garage drainage system, i.e., the MS4.

- **Failure to ensure adequate long-term operation and maintenance of public/ private storm water management facilities. This is a violation of Part III.B.5.d of the NPDES permit and ORC 6111.04 and 6111.07.** This was a violation in 2009 as well. The NPDES permit requires the City to develop a program to ensure long-term maintenance of all public storm water management facilities and all private storm water management facilities constructed since April 21, 2003. It was noted that the City is currently in the process of mapping all of the subjected public and private storm water management facilities, but has not yet implemented a program to ensure maintenance of those structures. A program to ensure long term maintenance of post-construction best management practices (BMPs) typically includes (a) maintaining an inventory of all public and private post-construction BMPs, (b) ensuring the development of a maintenance agreement and long-term maintenance plan, (c) establishing a system to

track maintenance activities by the responsible party, and (d) taking enforcement action as needed to ensure BMPs remain functional. A program to ensure long-term maintenance of storm water management facilities was to be implemented by the end of the first NPDES permit term. The Storm Water Management Program (SWMP) submitted to Ohio EPA by the City in March 2003 indicates that the City would implement the program by 2004.

- **Failure to implement plans or procedures to eliminate sources of known illicit discharges to your MS4. This is a violation of Part III.B.3.e of the NPDES permit and ORC 6111.04 and 6111.07.** This was a violation in 2009 as well. The City of Brooklyn's annual reports for 2009, 2010 and 2011 state that 4, 12 and 9 illicit discharges, respectively, were identified each year and zero have been eliminated. The City has not developed plans or procedures to eliminate these illicit discharges. The annual reports did not include schedules for elimination of known illicit connections that have yet to be eliminated, as required by Part III.B.3.k of the NPDES permit. It was noted that the City has an inventory of all known illicit discharges, but a copy was not provided to Ohio EPA with the annual reports. Please submit a list of all known remaining illicit cross connections to the MS4. Also, the City's annual reports state that there are 49 total outfalls from the MS4, but the outfall map on file at Ohio EPA indicates that there are 58 outfalls. Please clarify the total number of outfalls from the City's MS4.

Please review my comments and provide me with a letter of response indicating the actions you will take to address my concerns. **Your response must be received no later than August 19, 2013.** Please note that this response does not replace the requirement to submit an Annual Report.

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 Bobby Hrusovsky at (330) 963-1128 or robert.hrusovsky@epa.ohio.gov.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB:ddw

cc: Richard Albier, Mayor, City of Brooklyn
John Verba, Director of Public Service, City of Brooklyn
Marty Rini, Foreman, City of Brooklyn

**Inspection Photos
Service Garage**

City of Brooklyn

Photos Taken: June 25, 2013 by Bobby Hrusovsky, DSW, NEDO



Figure 1 (left): This photo shows evidence of salt tracking north into a possible wetland.
Figure 2 (right): This photo shows a heavy concentration of salt where a small pile may have been stored.

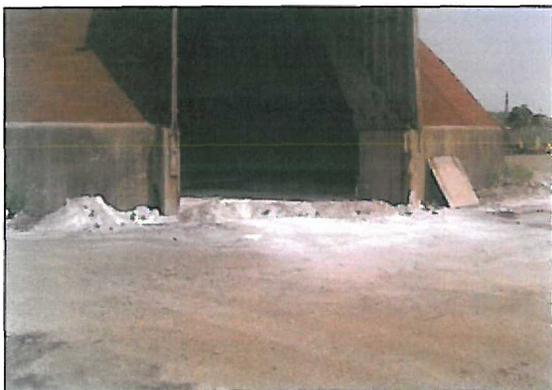


Figure 3 (left): This photo shows a small pile of salt left outside the barn along with a heavy concentration of salt that has accumulated outside the barn entrance.
Figure 4 (right): This photo shows the overhang constructed for the paint can drying area.



Figure 5 (left): This photo shows a spill that has been covered with oil dry.
Figure 6 (right): This photo shows a pile of miscellaneous scrap and debris.



Figure 7 (left): This photo shows the general waste dumpster which is uncovered.
Figure 8 (right): This photo shows a spill or leak behind the left pump box of the main gas tank.