



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

Re: **Notice of Violation**
Lucas County
City of Maumee
MS4 Storm Water
Facility ID Number 2GQ00012

October 4, 2013

Mr. Joseph Camp
Director of Public Service
City of Maumee
400 Conant Street
Maumee, Ohio 43537

Dear Mr. Camp:

Currently, the City of Maumee operates under Ohio'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 permit and Ohio Administrative Code (OAC) 3745-39, the City must develop and implement a Storm Water Management Program (SWMP) that addresses six minimum control measures (MCMs). Under the Illicit Discharge Detection and Elimination (IDDE) MCM, the City is obligated to develop and implement a program to detect and eliminate illicit discharges to its MS4. On June 5, 2013, I accompanied city staff Bruce Wholf, Building & Zoning Inspector, Doug Riseborough, Supervisor, Sewer Division, and Joe Mikolajczyk, Assistant Supervisor, Sewer Division, while they investigated two complaints to assess the implementation of the IDDE program. The complaints were received by U.S. EPA and forwarded by Ohio EPA to the City. Photos were taken.

The first complaint was regarding J& R Contracting, 801 Ford Street, Maumee. The complainant alleged that paint cans had been left open by the dumpster, allowed to fill with rainwater and allowed to discharge into the storm sewer. While the catch basins onsite appeared clear at the time, there was material stored outside exposed to storm water. A large roll-off full of waste material was present on the south side of the building. It was uncovered. Scraps of what appeared to be carpet padding and small piles of silica sand were observed on the ground by the roll-off. Apparently, several five gallon buckets had been sitting by the dumpster. Two days prior to our visit they had been moved to underneath a tractor trailer to dry out. Eight open buckets were beneath the trailer at the time of our visit; many were full of discolored water and located within ten feet of a catch basin. White stains were noticeable on the concrete under the trailer. A moderate amount of plastic and paper litter was present in the truck dock area near the catch basin. A battery was found outside on the north end of the property. What appeared to be asbestos tiles/shingles were stacked on the south side of the building. The City sent a follow-up letter June 5, 2013. The uncovered dumpster, material on the ground around the roll-off, staining of the pavement where the paint buckets were stored under the trailer, and litter were not noted in the inspection report or letter to the company.

The second complaint was regarding Swangs Carpet Cleaning, 916 High Street, Maumee. The complainant alleged that Kristopher Swanger, owner, frequently dumped chemical waste from the van in his driveway. We met with Mr. Swanger. He rinses out the 75 gallon wastewater tank in the van at his house and discharges this onto the ground. According to some articles he has read, he believed this was legal and any residual soap in the unit is a bio-degradable product. There were no floor drains in his garage and no storm sewers along High Street. I advised him that the rinse water is a wastewater and that technically his disposal method may require a Permit to Install (PTI) or land application plan from the agency. The City of Maumee offered the use of the Mingo Drive RV dump station. It was agreed that he would use the sanitary manhole on High Street, west of his home. The City sent a follow-up letter June 6, 2013.

My inspection indicated the following deficiencies in the City's IDDE program:

- While both follow-up letters informed the companies that illicit discharges were in violation of municipal code 927, it was not clearly stated whether or not the City found either company to be in violation of the code.
- No checklists were used by city staff during the inspections, but report forms accompanied the follow-up letters to the businesses. City staff also did not take photos. The City's report for J&R Contracting did omit information about sources of pollutants exposed to storm water and evidence of non-storm water discharges. I recommend staff review their investigation procedures to ensure that all information about potential sources of illicit discharges and all evidence of potential discharges are documented. I also recommend revising the report form to include additional prompts.
- The City reports that their Illicit Discharge Ordinance is found under Municipal Code 927. The ordinance does not use the term "MS4" or define it. It simply uses the term "public sewers". In Code 927.01 (24) "Public sewer" means a common sewer controlled by a governmental agency or public utility." According to the definition of a sewer, a public sewer could be a sanitary or a storm sewer. The word is sometimes used in sections of code (e.g. 927.51 Private Sewage Disposal Systems and 927.05 Public Sewer Tap In Required) that should be directing or limiting certain types of discharges to the sanitary sewer. Please note that "MS4" has a specific, regulatory definition and includes all publicly-owned storm water conveyance infrastructure including storm sewers, streets and their associated drainage systems, catch basins, curbs, gutters, ditches, manmade channels or storm drains. The definition of MS4 does not include combined sewers or sanitary sewers. The City must revise your ordinance for consistency in terminology.
- Code 927.37 mentions a few allowable non storm water discharges ("unpolluted industrial cooling water or process waters may be discharged to a storm sewer or natural outlet subject to approval by the Service Director and other regulatory agencies"). Please note that only those non-storm water sources listed in Part III.B.3.g of the NPDES permit may be discharged to the MS4. If you are looking for model ordinances that satisfy the requirements of the NPDES permit, examples can be found on the Ohio EPA website at:
http://www.epa.ohio.gov/dsw/storm/ms4_index.aspx.

In assessing the City's IDDE program, I also reviewed the City's annual report. The annual report for reporting year 2012 is incomplete. *Failure to include information in the annual reports is a violation of Part IV. C. of the Small MS4 NPDES permit.* In particular, the annual report does not provide the following information:

- The Table of Organization (TO) that was provided listed the citizens of the city, the mayor and council, and a chart of employees in the Public Service Department. It was not a TO for the implementation of the SWMP. A TO that identifies how implementation across multiple positions, agencies and departments will occur and includes the primary point of contact must be developed. The person's name along with their position title must be listed. Please specify the lines of communication between the parties involved in implementation of your MS4 program. The TO must include the name and contact information for the party responsible for overall management and implementation of your storm water program and each of the six minimum control measures. Guidance on developing a table of organization can be found on our website at <http://www.epa.ohio.gov/Default.aspx?tabid=2697>.
- The City uses "volunteer organizations" (Boy Scouts, Friends of Side Cut, Eaton Corp) to conduct part of the Public Education program. A Memorandum of Understanding (MOU) between the City and the third parties has not been provided. Please submit a current, signed copy of these MOU(s) or contracts. NOTE: Third parties should include consulting engineering firms if they provide services to accomplish requirements of the MS4 permit.
- Under "Public Education", often the spaces for reporting the themes or messages, the number of people reached, and if the BMP was effective were left blank. When completing your report, please list only those activities that are storm water related. Not all environmental education is storm water related. For Public Participation, the theme or message should tie back to a storm water concern. Also, when drawing citizens from multiple areas to an event, only count those from your area.
- For "Summary of Results"- Under the IDDE Ordinance, the Construction Site Runoff Control Ordinance, and the Post Construction Storm Water Ordinance, please provide the date the ordinance was initially passed and the dates of any amendments.
- For Construction Site Runoff Control: Sediment and Erosion Control Requirements: Standards Being Used- State the design standards and specifications the City uses. Most MS4s use the ODNR's Rainwater and Land Development Manual and Ohio EPA's NPDES Construction General Permit. They provide the manual name and any related weblinks.
- For Construction Site Runoff Control: Site Inspection - The measurable goal should at least state the inspection frequency. This should be initially and at least once per month, unless the SWMP includes a site prioritization procedure. If there is such a procedure, it should be listed instead.
- Post Construction Storm Water Management: Ordinance: Summary of Results or Activities-The City mentioned silt fence needed to be on a site. Silt fence is a sediment control, not a post construction storm water management control. Examples of post construction controls are bioretention areas, infiltration practices, pervious pavements, extended detention ponds, etc. Please review your data collection for the annual reports and make sure you are including the appropriate information.
- Post Construction Storm Water Management: Structural and/or Non-Structural Standards Being Used -This section must include the design standards and specifications the City uses. Most MS4s use the ODNR's Rainwater and Land Development Manual and Ohio EPA's NPDES Construction General Permit. They provide the manual name and any related weblinks.
- Post Construction Storm Water Management: Site Inspection Procedures - The city mentions silt fence again. Silt fence is not a post construction control. This section is about the inspections performed to verify that post construction controls are installed as per approved plans.

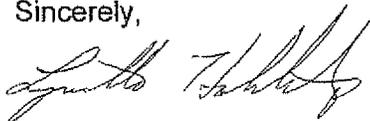
Mr. Joseph Camp
October 4, 2013
Page Four

- Post Construction Storm Water Management: Long-Term O&M Plans/Agreements - The City has indicated that they have not begun requiring the submittal of long term O&M Plans/Agreements. *This is a violation of Part III.B.5.d. and f. of the permit.*
- Pollution Prevention/Good Housekeeping for Municipal Operations: List of Municipal Facilities Subject to Program” - Three addresses were provided. Please include the name of each facility. This section would include: service yards, maintenance facilities (including parks and recreation, paint shops, etc.), waste transfer stations, compost yards, vehicle impound lots, cemeteries, road kill management areas, wastewater treatment plants, bus terminals, landfills, steam electric power plants, and parking lots owned and operated by the MS4.
- Pollution Prevention/Good Housekeeping for Municipal Operations: Summarize Activities & Schedule –A schedule was not provided.
- Pollution Prevention/Good Housekeeping for Municipal Operations: Summarize Activities Performed – The City should have included the number of catch basins cleaned, miles of streets swept, etc.
- The City has indicated that they have not developed procedures to ensure proper disposal of wastes removed from MS4. *This is a violation of Part III.B.6.d.3. of the permit.* The City also needs to document the amount disposed and the disposal method/location.

Please make these corrections when submitting the 2013 annual report. I recommend the City review Ohio EPA’s workshop on completing an MS4 annual report, which can be found at: <http://epa.ohio.gov/ocapp/train/tabid/6067/LiveTabId/126540/Default.aspx>. Click on “Archived Ohio EPA trainings”, then “1.Jan. 28, 2013; Richfield – Completing the MS4 Annual Report”

Please review my comments and provide me with a response letter indicating the actions you have taken or propose to address the above issues. Your response must include the dates, either actual or proposed, for the completion of the actions. The City of Maumee’s **written response should be received no later than 30 days after the date on this letter.** If you have any questions, please contact me at (419) 373-3009.

Sincerely,



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

/jlm

ec: Jason Fyffe, CO-DSW
Anthony Robinson, CO-DSW
Tracking