



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

Re: **Notice of Violation**  
Richland County  
Village of Lexington  
MS4 Storm Water  
Facility ID Number 2GQ00030

October 4, 2013

Mr. Aaron Wiegand  
Village Administrator  
Village of Lexington  
44 West Main Street  
Lexington, Ohio 44904

Dear Mr. Wiegand:

Currently, the Village of Lexington 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 Village 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 Village is obligated to develop and implement a program to detect and eliminate illicit discharges to its MS4. On August 20, 2013, Walter Ariss and I accompanied Craig Roberts, Water/Sewer Department Supervisor, and you during an illicit discharge investigation to assess the implementation of the IDDE program. The complaint was received by U.S. EPA and forwarded by Ohio EPA to the Village.

The complaint was regarding S&S Coach, 54 East Main Street, Lexington. The complainant alleged that the drain pit in the mechanics shop drained south via pipes directly into the river. We met with Earl Swigart, owner. You provided the owner with a letter from the Village stating the purpose of the visit and the complaint allegations at the onset of the visit.

Mr. Swigart stated that the business provides school and bus charter service. They do perform some vehicle maintenance at the 54 East Main Street site. The buildings consisted of different additions that were constructed from the 1920's through 1940's. A restroom and shop sink are inside the building. They steam clean buses outside during the winter. Mr. Swigart reported that a/c charging is done in Michigan. Chemical toilets in buses are dumped at the Village Wastewater Treatment Plant (WWTP).

Used filters and oil dry get picked up by Bens Recycling Specialist. There was a floor drain reported to be inside under a bus that was being repaired. Waste oil is used in an onsite oil burner. Oil was observed on the floor around the used oil tank and oil burner. There was also a floor drain by the burner, that reportedly daylighted in the outside wall of the building. There was a pipe on the outside but no evidence of material discharging from it.

Mr. Aaron Wiegand  
October 4, 2013  
Page Two

We walked the perimeter of the site. No evidence of dumping or discharges was observed. The Village and the owner were not sure how the floor drain below the bus routed to the sanitary sewer. As a result, the Village planned to test the floor drains on Thursday at 8:00 a.m.

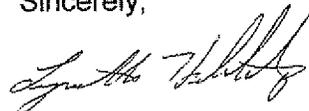
The Village sent a Notice of Findings on August 20, 2013. All observations noted during the inspection were covered in the letter. On August 22, 2013, the Village performed additional testing in an attempt to determine the discharge point of the floor drain in the mechanic's area. A camera in the existing storm line did not locate a tap. After running water for two hours into the building drain, the Village did not visually locate a discharge point in nearby storm drains or along the river. The Village concluded that the discharge went to the sanitary.

I noted a couple of deficiencies in the Village's IDDE program. I recommend that the Village take photos during future investigations to ensure that all evidence of potential sources of illicit discharges and all evidence of potential discharges are well documented. While the Village did not locate a connection or discharge from the building into the storm sewer or the river, that is not positive proof that the drain is connected to the sanitary sewer. The Village should pursue an investigation until there is positive confirmation of the location of the discharge. I recommend dye testing the building's floor drain to see if a discharge shows up in any sanitary sewers.

The Village reports that their Illicit Discharge Ordinance is found under Municipal Code 933. Ohio EPA has reviewed Chapter 933 and finds that it does not comply with the requirements of the Ohio EPA General Storm Water NPDES permit for Small MS4s. *This is a violation of Part III.B.3.d of the permit and Ohio Revised Code (ORC) 6111.* You are directed to enact the required illicit discharge ordinance and enforcement program no later than December 1, 2013. **Failure to enact an illicit discharge ordinance for your MS4 program and the associated illicit discharge detection and elimination programs by this date will result in a referral for enforcement to our Central Office.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation. 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](http://www.epa.ohio.gov/dsw/storm/ms4_index.aspx).

Please review my comments and provide a response letter indicating your schedule to pass an ordinance and your additional steps to determine the outlet for the floor drain at S&S Coach. Your response must include the dates, either actual or proposed, for the completion of the actions. The Village of Lexington's **written response should be received no later than 14 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  
cc: Jason Fyffe, CO-DSW  
Anthony Robinson, CO-DSW  
Tracking