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

Re: **Notice of Violation**
Richland County
City of Mansfield
MS4 Storm Water
Facility ID Number 2GQ00008

October 8, 2013

Mr. Robert Bianchi, P.E., City Engineer
City of Mansfield
30 North Diamond Street
Mansfield, Ohio 44902

Dear Mr. Bianchi:

The City of Mansfield 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). Ohio EPA has recently reviewed several aspects of the City's program. Our comments follow:

Construction Site Runoff and Post Construction Runoff

Ordinances. Under these two minimum control measures, the City is obligated to have ordinances that require sediment and erosion controls, non-sediment pollutant controls, and post construction storm water management controls for all construction activities that result in a land disturbance of one acre or more in the larger common plan of development or sale. The ordinances must be equivalent with the technical requirements set forth in the Ohio EPA NPDES General Storm Water Permit for Construction Activities (or CGP).

The current Construction Site Runoff Ordinance is Municipal Code 1362, passed in 1999. The ordinance does not mention any requirements for non-sediment pollutant controls and does not meet the technical requirements of the CGP. For instance, Municipal Code 1362.07 "Temporary soil stabilization shall be required on any denuded areas that will remain idle (not be regraded) for longer than thirty (30) days. Temporary soil stabilization shall be applied within seven (7) days after rough grading." The CGP requires that temporary stabilization be applied when the idle period is 21 days. It also requires that the method of stabilization be applied within two days for any areas within 50 feet of a surface water. *This is a violation of Part III.B.4.a of the permit.*

The City's current post construction storm water management ordinance, Municipal Code 1361, was passed in 1986. It does not meet the technical requirements of Ohio EPA's CGP. Specifically, the design criteria used only manages the critical storm (peak runoff and volume). It does not require the treatment of the Water Quality Volume (WQv), which is part of the design criteria in the CGP. *This is a violation of Part III.5.c. of the permit.*

You are directed to enact the required ordinances and enforcement program no later than December 19, 2013. Failure to enact ordinances for your MS4 program and the associated Construction Site Runoff and Post Construction Storm Water Management programs by this date will result in a referral for enforcement to our Central Office. Violations of Ohio Revised Code (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.

Plan Review. An acceptable program consists of plan review to assure that sediment and erosion controls, non-sediment pollutant controls, and post construction storm water management controls are being provided, are designed per the required standards (at least meet the technical requirements of the CGP), and that there are long term operation and maintenance plans and agreements for the post construction storm water controls.

On July 11, 2013, Ohio EPA visited the US Department of Veteran Affairs Outpatient Clinic project (VA Clinic) on the southeast corner of the intersection of South Tumble Road and Marion Avenue, Mansfield (photos taken). Our staff found no self-inspection logs, no sediment settling pond detail drawings, or calculations. On July 12, 2013, Ohio EPA received a copy of the project's SWP3 from the CGP permittee. Site plans indicated that silt fence would be used for drainage areas that exceeded the size limits outlined in the CGP. A sediment basin was mentioned in the construction sequence on Drawings C2.1 and C2.2, but design information and detail drawings were not provided. On drawing C2.1, the area used in calculating WQv for designing a post construction storm water management practice was labeled as "the disturbed site area", which was incorrect as the entire drainage area tributary to the practice must be used to determine WQv.

Detail drawings showing the Extended Detention Volume, sediment storage volume, and permanent wet pool volume with their corresponding elevations, orifice sizing calculations, and a demonstration that no more than the first half of the required Extended Detention Volume is released in the first eight hours were not provided in the SWP3. Were detail drawings and design information for sediment settling ponds, silt fence, and the post construction storm water practices provided and approved during Mansfield's review of the plans? Does the City verify that approved plans are being used when their staff performs inspections?

Inspections. On July 23, 2013, I requested the City's inspection documentation for the VA Clinic. I received a copy of: the Commercial and Residential Inspection Checklist issued June 28, 2007; a time accounting sheet with notes for the week of September 30, 2012; notes documenting receipt of a July 11, 2013, complaint; and notes documenting phone calls on July15 and 17, 2013, between city staff and the VA Clinic contractor. Other than the note on the time accounting sheet, there was no documentation of an actual inspection, no inspection notes, no photographs, and no follow-up letters.

Ohio EPA's July 11, 2013, site visit to the VA Clinic documented several violations, including sediment controls in need of maintenance or in disrepair, the incorrect application of silt fence, unstabilized and eroding soil, sediment tracking, and discharges of sediment. The frequency of site inspections during construction and the method of non-compliance notification was not sufficient to ensure compliance at construction sites. *These are violations of Parts III. B.4.a. and c of the permit.* **The City must have a system to ensure that: all construction projects are having an initial inspection and monthly inspections thereafter, inspections are documented, and site compliance is tracked. It is**

expected that written documentation is provided to the site operator when violations are found. I also recommend taking photos to aid in documentation.

Illicit Discharge Detection and Elimination (IDDE)

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 July 16, 2013, Walter Ariss and I accompanied Joe Barry, P.E., Project Planner, City of Mansfield Engineering Department, while he investigated a complaint to assess the implementation of the IDDE program. The complaint was received by Ohio EPA and passed on to the City. Photos were taken by Ohio EPA. The complaint was regarding Breitinger Company, 595 Oakenwald Avenue, Mansfield. The complainant alleged oil was being poured into a catch basin. We did discover that mop water was being dumped into a catch basin between Buildings C&D. It was also evident that opening burning had been occurring north of the buildings. The City sent a follow-up letter on July 22, 2013. **The discharge of wash water to the storm sewer was not cited as a violation. The City must enforce their illicit discharge ordinance. It must be clearly stated whether or not the City found the company to be in violation of municipal code.** *This is a violation of Part III.B.3. of the permit.*

My inspection also indicated the some deficiencies in the City's IDDE program. No checklists were used by City staff during the inspections. City staff also did not take photos. The City's letter did not document all sources of pollutants exposed to storm water (e.g. uncovered metal scrap bins and parts bins) and all evidence of non-storm water discharges (e.g. that a white liquid was actually observed in the catch basins, that there was dark stained soil by the used oil totes north of Building B). 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.

Annual Report

In assessing the City's program, I also reviewed the City's annual reports. The annual report for reporting year 2012 was 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 following items were noted:

- 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 in addition to the dates of any amendments.
- No measureable goal was reported for storm sewer mapping and HSTS mapping. At a minimum, the goal is to have all outfalls, receiving streams, and discharging HSTS, catch basins, manholes, ditches, flood control facilities, and public and private post construction water quality BMPs mapped by May 26, 2014. For the HSTS, a list of HSTSs, including addresses, was to be generated during the first five years of permit coverage.
- Under Dry Weather Screening, the total number of MS4 outfalls for the City was left blank. **Please provide the number of MS4 outfalls in your reply to this letter.** The City must have all outfalls screened by May 26, 2014.
- 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 Plan Review: Summary of Results – Please include list of sites that you have received plans for and which have been reviewed (if they differ).
- 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. Please note that an inspection frequency longer than once per month will not be accepted for active sites that are not stabilized.
- For Construction Site Runoff Control: Enforcement: Summary of Results – This should show which sites have received violation letters or more elevated enforcement actions as well as the type of action (stop work orders, fines, etc.).
- 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 – This section is about the inspections performed to verify that post construction controls are installed as per approved plans.
- Post Construction Storm Water Management: Long-Term O&M Plans/Agreements - The City has indicated that they have no measurable goal, and that the number of sites requiring agreements and the number which have agreements are "N/A" . However, 11 plans were reviewed that required post construction BMPs. The City must require Long Term O&M Plans/Agreements and review them. *This is a violation of Part III.B.5.d. and f. of the permit.* **In your reply to this letter, please describe what steps you will take to meet this requirement.**
- Pollution Prevention/Good Housekeeping for Municipal Operations: List of Municipal Facilities Subject to Program" - Two 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, parking lots owned and operated by the MS4.
- Pollution Prevention/Good Housekeeping for Municipal Operations: Summarize Activities & Schedule – A schedule was not provided (e.g. sweep all curbed streets twice/year, clean 25% of catch basins annually, camera 10% of sewer pipe each year, etc.).
- 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. Street sweeping was discussed under "Document the amount of Material Collected and Properly Disposed". Did no other types of activities occur?

Please address these items 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".

Summary

Please review my comments and provide me with a response letter indicating the actions you have taken or propose to address the above issues. Of the missing details noted under "Annual Report", your response to this letter only needs to address those items shown in bold print. Your response must include the dates, either actual or proposed, for the completion of the actions. The City of Mansfield's **written response shall 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