

MS4 PROGRAM SCORECARD



AUDITS AND ENFORCEMENT UPDATE

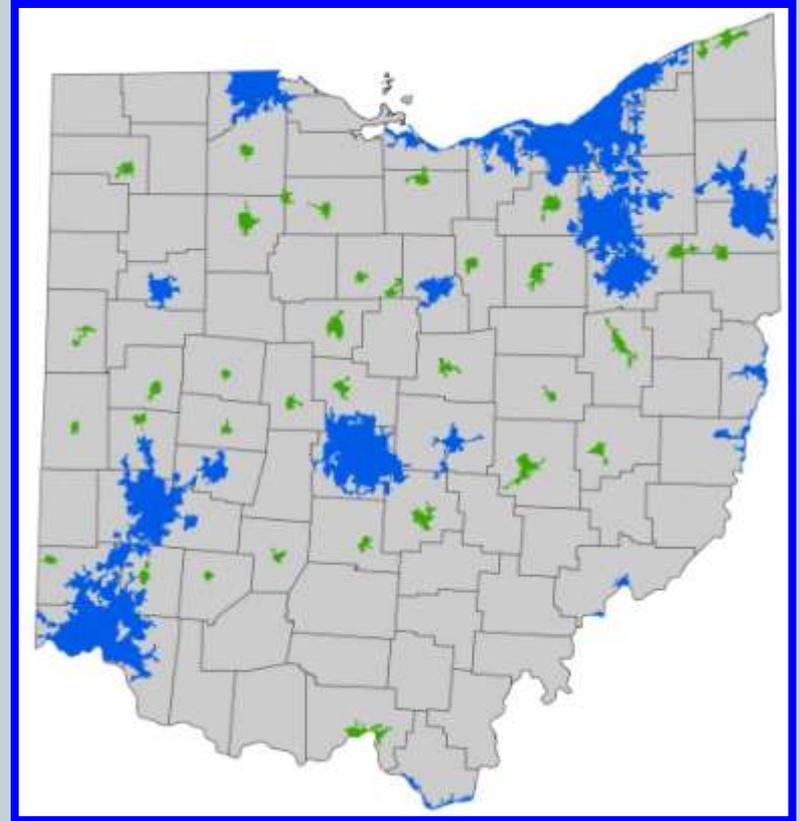
MARCH 2009

Universe of MS4s in NE Ohio

- 167 Communities
 - 16 Waivers Granted
 - 6 Claim no MS4s in UA146 Communities to Audit

▣ Includes

- ▣ 5 Appendix 7 MS4s
 - ▣ Alliance, Ashtabula, Medina, Salem & Wooster
- ▣ 5 Waiver Pending MS4s
 - ▣ East Cleveland, Glenwillow, Linndale, Newburgh Hts & Sharon Twp (Medina Co)



Audits Conducted



- **18 Total Audits by Ohio EPA**
 - 13 in NE Ohio (4 reports pending)
 - 4 in SW Ohio
 - 1 in SE Ohio
- **US EPA has audited the cities of Columbus and Toledo**
 - May audit the other Phase I communities (Akron & Dayton)
- **Ohio EPA Goal**
 - All audits to be completed in next 5 years
 - Priority based on review of Annual Reports

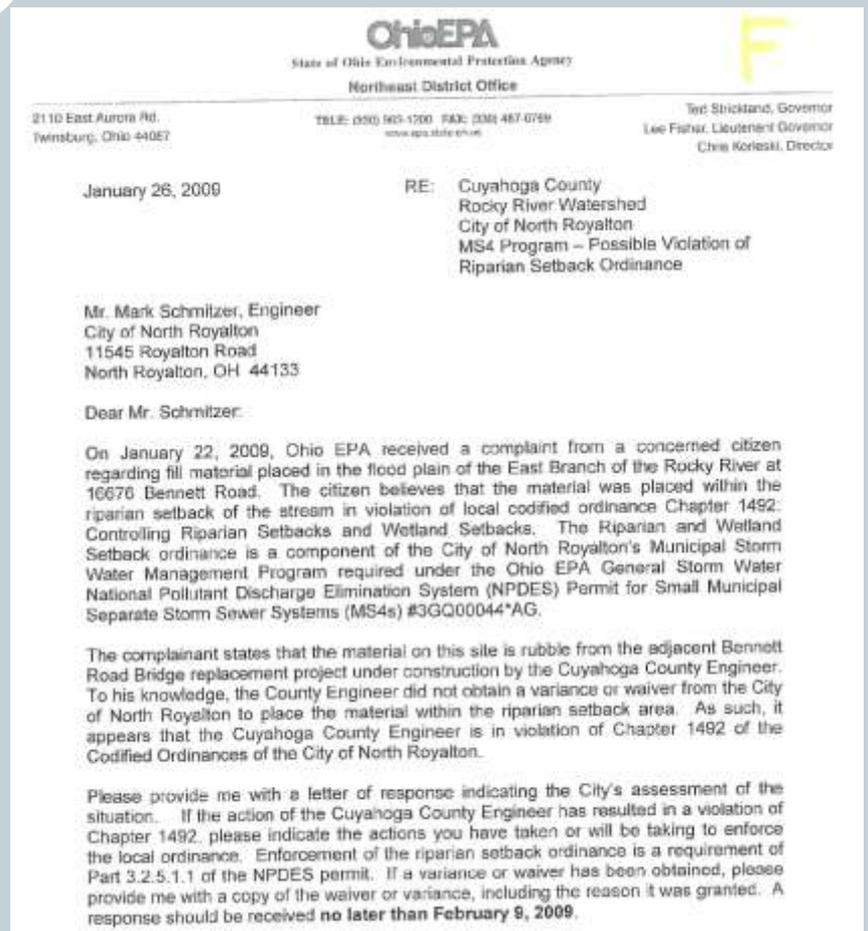
Enforcement Actions Taken



- Findings & Orders have been issued to
 - 12 MS4 Communities for failure to submit annual reports
 - ✦ Fines ranged from \$1,000 to \$2,250 for a total of \$20,500
- In Fall 2008
 - Ohio EPA began issuing warning letters to MS4s with multiple program deficiencies
 - ✦ Based on review of data in Annual Reports
 - ✦ Formal enforcement action is next step if corrections are not made
 - ✦ Failure to comply with MS4 permit is a violation of ORC 6111
 - Provides for penalties of up to \$10,000 per day of violation

Other Enforcement Matters

- When Ohio EPA receives a complaint related to MS4 program
 - Storm Water Program Manager will receive letter or phone call notifying them of issue
 - Agency will ask you to provide documentation of how situation is being addressed
 - Failure to respond or inadequate response can lead to an enforcement action



Where Do YOU Stand?



MS4 PROGRAM IMPLEMENTATION IN NE OHIO THE FIRST 5 YEARS

**INFORMATION BASED ON REVIEW OF ANNUAL REPORTS AND
IS CURRENT AS OF SEPTEMBER 2008**

PIPE Programs

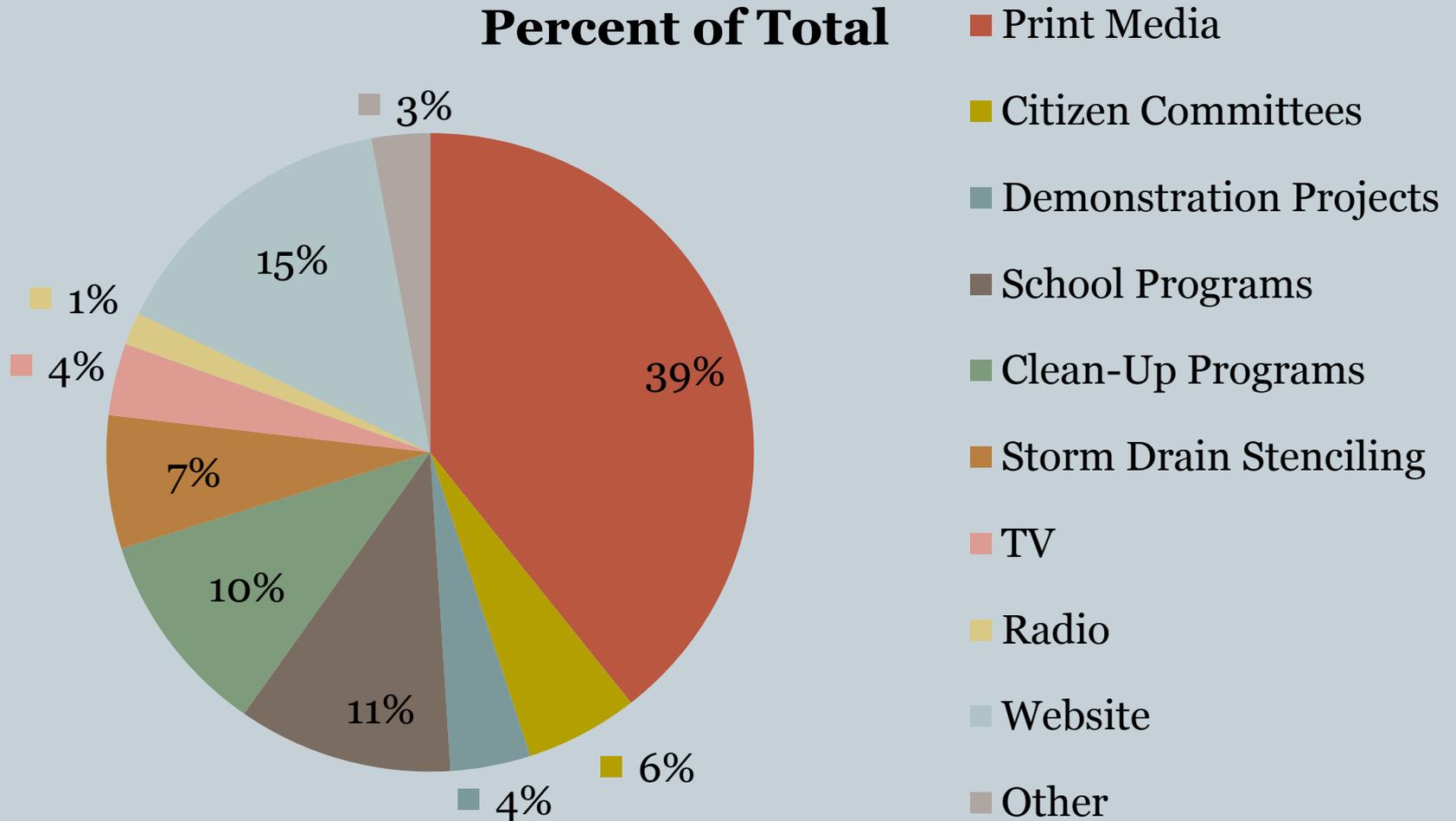


- All but 2 communities have done PIPE activities
- 46% use a theme or strategy to guide program implementation
- 32% implement programs with the help of the SWCD
 - But majority are implementing on their own
- 9 communities only used one mechanism
 - New permit requires more than one mechanism to be used

PIPE Mechanisms Used



Percent of Total



IDDE Program



- **22% have not passed an illicit discharge ordinance**
 - An additional 16 communities have not passed an illicit discharge ordinance, but are working with the Board of Health to implement an IDDE program
- **28 Communities rely exclusively on the Board of Health to implement their program**
 - The majority are implementing it on their own or in conjunction with the BOH
 - A few are using private consultants

IDDE Program



- 17% have not mapped MS4 outfalls
 - Of those that have mapped, many only mapped piped outfalls
- 43% have not mapped HSTSs
- 40% have not performed dry weather screening
 - Of those that have, only 10 communities report that all outfalls have been screened at least once



Construction Site Program



- 18% have not passed a construction site runoff control ordinance
- 15% have no plan review process in place
 - For those that do
 - ✦ 43% rely on their engineering department to review plans
- 10% do not perform construction site inspections for runoff controls
- 34% have not taken any enforcement actions against construction site operators that do not comply

Post-Construction Programs



- 26% have not passed an ordinance that requires structural practices to treat the WQv
- 50 communities have passed riparian and wetland setback ordinances or resolutions
- 43 communities have adopted or amended zoning codes to encourage the protection of natural resources

Post-Construction Program



- Only 34% have procedures in place to verify correct installation of post-construction BMPs
- Only 27% have a long-term maintenance program in place for post-construction BMPs



Municipal Operations Program

- Only 2% of communities have a SWP3 for their maintenance yard
- 35% do not provide any employee training on storm water matters
- Common BMPs used
 - 73% do street sweeping
 - 70% clean catch basins
 - 28% do leaf collection



For More Information

Websites

Ohio EPA

www.epa.state.oh.us/dsw/storm/index.html

USEPA

http://cfpub.epa.gov/npdes/home.cfm?program_id=6

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