



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

October 25, 2011

RE: ASHTABULA COUNTY
CITY OF CONNEAUT
CITY OF CONNEAUT EAST SIDE
INDUSTRIAL PARK
NPDES PERMIT NO. OHR000004
OEPA PERMIT NO. 3GC04614*AG
CONSTRUCTION STORM WATER

Notice of Violation

Bob Howland
294 Main Street
Conneaut, OH 44030

Dear Mr. Howland:

On October 4, 2011, Ohio EPA conducted an inspection of City of Conneaut East Side Industrial Park, located on U.S. Route 20, Opposite of Thompson Road, City of Conneaut, Ashtabula County (site). The site was represented by Mark Miechowicz of CT Consultants and Kurt Hollirst of Snavelly Excavating Company. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04614*AG. The inspection documented the following:

Site Inspection

The inspection documented the following violations occurring on the site that must be addressed via appropriate best management practices (BMP):

- The sediment basins depicted on the site's SWP3 have not been installed. Sediment-laden runoff was discharging directly into Conneaut Creek (Figure 1). **The sediment basins must be immediately installed with properly designed dewatering skimmers.** The failure to provide structural practices to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days constitute violations of Ohio Revised Code (ORC) chapter 6111.07 and Part.III.B and Part III.G.2.c of the General Storm Water Permit.
- The diversion channel located south of the Conneaut Creek is being dewatered via a pump and is pumping sediment-laden runoff directly to "surface waters of the State" (Figure 2) **The southern sediment basin must be immediately**

installed with properly designed dewatering skimmers. The failure to provide proper dewatering BMPs constitute violations of ORC chapter 6111.07 and Part III.G.2.g.iv of the General Storm Water Permit.

- Untreated sediment-laden runoff is being discharged directly offsite via a concrete pipe located in the northeastern portion of the site (Figure 3). A properly installed sediment basin must be installed to prevent the discharge of sediment. The failure to provide structural practices to control erosion and trap sediment from a site remaining disturbed for more than fourteen (14) days constitute violations of ORC chapter 6111.07 and Part III.G.2.c of the General Storm Water Permit.
- No construction entrances have been installed to prevent the offsite tracking of sediment (Figures 4 to 5). Properly designed construction entrances must be installed in location where construction vehicles access the site. The failure to prevent the offsite tracking of sediment constitutes violations of ORC chapter 6111.07 and Part III.G.2.g.ii of the General Storm Water Permit.
- Inlet protection has not been installed correctly and must be trenched into the ground and backfilled (Figure 6). All sediment control practices must be capable of ponding runoff in order to be considered functional. Failure to have functional inlet protection constitutes violations of ORC chapter 6111.07 and Part III.G.2.d of the General Storm Water Permit.
- Silt fence has been installed along the Conneaut Creek; however, the silt fence was failing in many locations and requires maintenance (Figure 7). In addition, silt fence is depicted on the SWP for installation south of the cul-de-sac. The silt fence has not been installed in this location. All sediment control practices must be capable of ponding runoff in order to be considered functional. Failure to have functional silt fence constitutes violations of ORC chapter 6111.07 and Part III.G.2.d of the General Storm Water Permit.
- The site's storm sewer system has been installed south of the Conneaut Creek. Inlet protection has not been installed to prevent sediment-laden runoff to "surface waters of the State" (Figure 8). Failure to have functional inlet protection constitutes violations of ORC chapter 6111.07 and Part III.G.2.d of the General Storm Water Permit.
- No BMPs have been installed to prevent the discharge of sediment-laden runoff from the soil stockpile area (Figure 9). Silt fence must be installed around the soil stockpile area. If the soil stockpile area will remain idle, temporary stabilization must be performed. The failure to have BMPs installed constitute violations of

ORC chapter 6111.07 and Part III.G.2.b.i and Part III.G.2.d and Part of the General Storm Water Permit.

Storm Water Pollution Prevention Plan (SWP3)

On October 17, 2011, a copy of the site's SWP3 was provided to Ohio EPA. A review of the site's SWP3 details the following deficiencies that must be addressed via a revised SWP3:

- Part III.G.1.c of the General Storm Water Permit requires "an estimate of the impervious area and percent imperviousness created by the construction activity." This information has not been provided on the SWP3;
- Part III.G.1.m of the General Storm Water Permit requires "a log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence." This information has not been provided on the SWP3;
- Part III.G.1.n.i of the General Storm Water Permit requires a site map showing the "limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3. The soil stockpile area has not been provided on the SWP3;
- Part III.G.1.n.iii of the General Storm Water Permit requires a site map showing the "existing and proposed contours. A delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres." The drainage watersheds for the site and the contours associated with the soil stockpile area have not been provided on the SWP3;
- Part III.G.1.n.vi of the General Storm Water Permit requires "the location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development." No BMP have been depicted on the SWP3 for the soil stockpile area.
- Part III.G.1.n.vii of the General Storm Water Permit requires a site map showing the "sediment and storm water management basins noting their sediment settling volume and contributing drainage area." This information has not been provided on the SWP3;
- Part III.G.1.n.viii of the General Storm Water Permit requires a site map showing the "permanent storm water management practices to be used to control

pollutants in storm water after construction operations have been completed.” This information has not been provided on the SWP3;

- Part III.G.2.d.ii of the General Storm Water Permit establishes the design criteria for sediment settling ponds. No information regarding the sediment settling zone and dewatering volume calculations, drain-down time, and the design of the dewatering skimmer that is to be installed on the outlet structure; and
- Part III.G.2.e of the General Storm Water Permit establishes the post construction storm water management requirements. No information regarding how the site will satisfy the post-construction storm water management requirements has been provided on the SWP3.

Co-Permittee NOI

- Part II.A of the General Storm Water Permit requires that if more than one operator will be engaged at a site, each operator shall seek coverage under the General Storm Water Permit. Where one operator has already submitted a Notice of Intent (NOI) prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required.

After a review of Ohio EPA records, it does not appear that all operators for the site have obtained General Storm Water Permit coverage. Part VII.O of the General Storm Water Permit defines “operator” to mean any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

All additional operators of the site must obtain General Storm Water Permit coverage. It appears that Snavelly Excavating Company is an operator of the site and must obtain coverage under the General Storm Water Permit as co-permittees. In order to obtain co-permittee coverage, each additional operator, must submit a “Co-Permittee NOI application form.” For your convenience, the

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"Co-Permittee NOI application form" and the "Co-Permittee NOI application instructions" can be obtained from the following website:

<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>

Within ten (10) days of receiving this notice of violation, please submit a copy of the site's revised SWP3 and a letter detailing the corrective actions that have been implemented and/or will be implemented to Ohio EPA for review. **Failure to resolve the violations will result in Ohio EPA pursuing formal enforcement, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation.** Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/cs

cc: Shawn Aiken, City of Conneaut
Nick Sanford
George Hess, Hess and Associates Engineering, Inc.

ec: Jason Hebert, Snavelly Excavating Company
Nick Sanford, CT Consultants



Figure 1 - Sediment-laden runoff was discharging directly into Conneaut Creek.



Figure 2 - Sediment-laden runoff is being pumped directly to Conneaut Creek.



Figure 3 - Untreated sediment-laden runoff is being discharged directly offsite via a concrete pipe.



Figure 4 - No construction entrances have been installed to prevent the offsite tracking of sediment.



Figure 5 - No construction entrances have been installed to prevent the offsite tracking of sediment.



Figure 6 - Inlet protection has not been installed correctly.



Figure 7 - The silt fence was failing in many locations.



Figure 8 - Inlet protection has not been installed to prevent sediment-laden runoff.



Figure 9 - No BMPs have been installed to prevent the discharge of sediment-laden runoff from the soil stockpile area.