State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

January 9, 2007

Re: Ross County
ODOT, 207 Connector
Storm Water Construction Activity
Notice of Violation

Mr. Jim Setty, Construction Engineer
650 Eastern Avenue
P.O. Box 467
Chillicothe, Ohio 45601

Dear Mr. Setty:

On December 26, 2006, Dale Naas, ODOT Project Inspector, and I inspected your construction project near Chillicothe. The purpose of my inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. As a result of the inspection, I have the following comments:

1. Part III.G.2.d.ii. of the permit requires that concentrated storm water runoff and runoff from drainage areas, which exceed the design capacity of silt fence or inlet protection, shall pass through a sediment settling pond. The sediment settling pond shall be sized to provide at least 67 cubic yards of storage per acre of total contributing drainage area. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the sediment settling pond must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio). Sediment must be removed from the sediment settling pond when the design capacity has been reduced by 40 percent.

   There are numerous violations of this requirement throughout the site. The majority of the discharge points on the project do not possess proper storm water controls. Some of the larger discharge points do not possess any effective storm water controls at all. The sediment settling ponds that are located on the project must be cleaned out. Evaluate the entire project for areas of non compliance and implement corrective actions within 14 days of receipt of this letter.

2. Part III.G.2.h. of the permit requires that all temporary and permanent control practices shall be maintained and repaired as needed to ensure continued performance of their intended function. All sediment control practices must be maintained in a functional condition until all up slope areas they control are permanently stabilized. The SWP3 shall be designed to minimize maintenance requirements. The applicant shall provide a description of maintenance procedures needed to ensure the continued performance of control practices.

   There are numerous violations of this requirement throughout the site. The majority of the control practices onsite have not been maintained adequately. Evaluate and complete maintenance on all existing storm water controls within 14 days of receipt of this letter.

3. Part III.G.2.d.i. of the permit requires that sediment control structures be functional throughout the course of the earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the up slope development area is restabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

   There are numerous violations of this requirement throughout the site. Install properly designed storm water controls within 14 days of receipt of this letter.

4. Part III.G.2.i. of the permit requires that at a minimum, procedures in an SWP3 shall provide that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The permittee shall assign qualified inspection personnel (those with knowledge and experience in the installation and maintenance of sediment and erosion controls) to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in Part III.G.1.g of the permit or whether additional control measures are required. Erosion and sediment control measures identified in the SWP3 shall be observed to ensure that those are operating correctly. Discharge locations shall be inspected to ascertain whether erosion and sediment control measures are effective in preventing significant impacts to the receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of off-site vehicle tracking.

   Inspection records should have shown the inadequacies of storm water controls for some time. Are inspections being completed? Are findings of the inspections being addressed appropriately? Submit all inspection records for the past 6 months to me within 14 days of receipt of this letter.

Erosion is severe in some drainage areas. Current storm water control practices are not adequate. Implementing storm water controls may be an inconvenience to the contractor but controls must be in place until the contributing drainage area is stabilized.

Within twenty one (21) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the Permit requirements. Your response must include the dates, either actual or proposed, for the completion of the actions.

If there are any questions, please contact me at (740) 380-5277.

Sincerely,

Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh

Enclosure

c: Mr. Tim Mcclure, ODOT Construction Engineer
c: Ron Trivisonno, State Construction Hydraulic Eng., ODOT, Office of Construction Admin.
c: Ashley Hoskins, Complete General Construction