OhioEPA
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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 29, 2009

Mr. Kelly Wessels
Ohio Department of Transportation, District 8
505 St Rt 741
Lebanon, Ohio 45036

Re: Notice of Violation, Clermont Co State Route 132
NPDES Permit # 1GC02629

Dear Mr. Wessels:

On Wednesday, July 22, 2009, during a moderate rain, I inspected ODOT's State Route 132 project in Clermont County to determine compliance with the site's construction stormwater discharge permit. Based on my observations, the project is out of compliance with the following portions of its permit:

Part III.G.2.h-Maintenance of Controls
Sections of silt fence installed at the end of the new road embankment were undercut due to being improperly installed (not level). Short runs of silt fence placed halfway down the slope of the embankment (near the existing road) were also undercut.

(Silt fence has also been installed in two locations on the project site where it appears to be of marginal use: along the edge of Anstaett Road, and along the northern boundary of the work zone shown on page 2 of 8 in the site's SWP3. Installing useless silt fence is not a violation of the NPDES construction permit, but ODOT and its contractors need to exercise more discretion in the field to reduce wasting time and money installing sediment controls that do no good.)

One of the rock checks placed in the primary drainage installed along the north side of the new road embankment was full of sediment, to the point that runoff was being diverted out of the channel altogether. Sediment-laden water was observed continuing down a newly cut channel (parallel to the constructed channel) that bypasses the sediment basin/trap that was installed at the base of the new road embankment. Runoff then enters a culvert under the state road and is ultimately discharged into Stonelick Creek. A significant sediment plume was observed being discharged in to the creek.

Part III.G.2.c-Runoff Control Practices
Rainwater collecting in the middle of the new roadbed was observed running down the slope unimpeded until reaching the poorly located silt fence mentioned above. After

[d]e. Spillway. Emergency overflow facilities shall be provided unless inflow is controlled to divert flows when the basin is at capacity. The spillway shall safely discharge the detention basin overflow without damage to the detention basin. A minimum of one (1) foot freeboard shall be provided for the 100 year 24-hour storm event.

[e]f. Dry bottom basin. For basins designed without permanent pools;

(1) Interior drainage. Provisions must be made to facilitate interior drainage, to include the provision of natural grades to outlet structures, longitudinal and transverse grades to perimeter drainage facilities, or the installation of subsurface drains.

(2) Multipurpose features. These may be designed to serve secondary purposes for recreation, open space, or other types of use which will not be adversely affected by occasional or intermittent flooding.

(3) Cleaning. The basins shall be designed for periodic cleaning and removal of sediments, which shall be removed from the site or otherwise disposed of in an appropriate manner.

[f]g. Wet basins. For basins designed with permanent pools:

(1) Depth for fish. If fish are used to help keep the basin clean, at least one-quarter (25%) of the area of the permanent pool must have a minimum depth of ten (10) feet.

(2) Facilities for emptying. For emergency purposes, cleaning, or shoreline maintenance, facilities shall be provided or plans prepared for the use of auxiliary equipment to permit emptying and drainage.

(3) Pollution abatement. Aeration facilities may be required when the quality of the influent and detention time would result in a lowering of dissolved oxygen content

running under the silt fence, sediment laden runoff has carved numerous rills and a couple of large gullies in the face of the embankment. Runoff is then conveyed under Route 132 via the same culvert mentioned in the previous paragraph before being discharged to Stonelick Creek.

Please explain in your written response to this letter:

1. What will be done to correct the problems observed, and
2. Who is responsible for inspecting and maintaining erosion and sediment controls installed at the project site?

In addition to this information, please submit within 14 days of receipt of this letter an amended Stormwater Pollution Prevention Plan (SWP3) that reflects how erosion and sediment controls will be addressed at the site until the project is completed. Also, please submit copies of erosion and sediment control inspection records kept since March, 2009.

If you have questions about anything in this letter, I may be contacted at (937) 285-6442, or via email at chris.cotton@epa.state.oh.us.

Sincerely,

Chris Cotton
Division of Surface Water

ec: Ron Trivisonno, ODOT Office of Construction Administration
Joe Bassil, ODOT District 8
John McManus, Clermont County Water & Sewer District

cc: Keith Cody, ADR and Associates
OEPA/SWDO/DSW Files

CC/rlf

[3]5. [The peak rate of runoff from the critical storm occurring over the development shall not exceed the peak rate of runoff from a 1-year frequency storm occurring over the same area under predevelopment conditions.] Storms of less frequent occurrence (longer return period) than the critical storm, shall have peak rate of runoff not greater than for the same storm under predevelopment conditions. As an example, if the total volume is shown to be increased by 35%, the critical storm is a 5-year storm. The peak rate of runoff for all storms up to this intensity shall be controlled so as not to exceed the peak rate of runoff from a 1-year frequency storm under predevelopment conditions in the area. The runoff from a more intense storm need only be controlled so as not to exceed the predevelopment peak rate from the same frequency of storm.

6. The intent of paragraphs 4 and 5 will be met if the criteria are fulfilled for the 1-, 2-, 5-, 25-, 50- and 100-year storm.

[4]7. Design regulations. All detention facilities and improvements required by this section shall comply with the following regulations.

a. An access easement shall be provided to all detention facilities from the nearest public road so that these facilities are accessible in case emergency maintenance work is required. The minimum easement width will be 10 feet.

[a]b. Storage volumes. Storage may be provided by [set] wet or dry bottom basins or reservoirs [or rooftop storage facilities].

[b]c. Maximum depth. The maximum planned depth of stormwater [stored] detained should be five (5) feet unless site conditions lend themselves to greater depths.

[c]d. Outlet control structures. Outlet control structures shall be designed as simply as possible and shall operate automatically. They will be designed to limit discharges into existing or planned downstream channels or conduits so as not to exceed the existing flow from the site in its natural condition or as further controlled in Section 3(4).