



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: Allen County
Fat Jack's Pizza
Construction
Storm Water

August 9, 2010

Mr. Mike Flynn
R.A. Flynn and Son
414 North Main Street
Lima, Ohio 45801

Dear Mr. Flynn:

On June 24, 2010, Sarah Clement and Judson Delancey inspected Fat Jack's Pizza at 2340 Spencerville Road in Lima (pictures taken). The purpose of the visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity, Facility ID No. 2 GC02577*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Dan Weber from Dave's Excavating, Inc., was present to provide information on the project.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) for this project. This form is used by construction site operators, as defined in Part VII.O. of the Construction General Permit, to become co-permittees with the initial permittee of the construction site. Please note that Part II.A. of the Construction General Permit (CGP) **requires all operators of a construction site to become co-permittees**. If you have a contractor who is responsible for the day to day operation of the site, implementing the Storm Water Pollution Prevention Plan (SWP3), they must obtain permit coverage.

As a result of the inspection, we have the following comments:

1. At the time of the inspection, the site was active. A backhoe and a dozer were working onsite. The exterior of the building was almost complete and work on the interior had begun. The storm sewer lines had been installed and connected to the city storm sewers. Final grading had begun on the parking lot, and soil stockpiles were present on the west side of the site.
2. A Storm Water Pollution Prevention Plan (SWP3) had been developed for the site and was available. A general overview indicated the SWP3 was not kept up to date with the ongoing construction and did not depict the location of the current erosion and sediment control practices.

The SWP3 also did not indicate the location of the designated construction entrances where the vehicles will access the construction site. There are no logs documenting the grading and stabilization activities of the site through the stages of construction. *This is a violation of Part III.G. of the permit.*

3. Inspection logs were not kept. Inspections must be conducted weekly and within 24 hours of a 0.5 inch or greater rainfall. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include inspector's name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with Part V.G. of the permit. *This is a violation of Part III.G.2.i. of the permit.*
4. As the site was relatively small (less than two acres of disturbed area) and flat, storm water discharges from the project likely occur as sheet flow from the site's perimeter. Silt fence had been installed on the north side of the site. The joints appeared to be incorrectly installed. The stakes were not twisted together before installation, with geotextile wrapping around both posts to create secure joints in the fence line. *Permit Requires:* All erosion and sediment control practices used to meet the conditions of this permit should meet the standards and specifications of the current edition of Ohio's *Rainwater and Land Development Manual* (ODNR) or other standards acceptable to Ohio EPA. *This is a violation of Part II.G.2. of the permit.*
5. A construction entrance is needed on the south side of the site from Spencerville Road where vehicles are accessing the site. *This is a violation of Part III.G.2.g.ii. of the permit.*
6. No inlet protection was installed on the storm sewer catch basins and it did not appear that there was a sediment settling basin on the site. The upslope area that surrounds the catch basins had not been stabilized. *Permit Requires:* Practices shall minimize sediment laden water entering active storm drain systems unless they drain to a sediment settling pond. All sediment control practices must be maintained in a functional condition until all up slope areas are permanently stabilized. *This is a violation of Part III.G.2.d.iv. of the permit.*

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Please send written notification of what corrective measures you have taken to this office within 10 days of the date on this letter. The permit requires that post-construction Best Management Practices (BMPs) are installed during construction to control pollutants in the storm water discharges that will occur after construction has concluded. Such practices include, but are not limited to: storm water extended detention structures; retention structures; water quality swales; bioretention areas. Your reply should include the type(s) of practices you are implementing, the basis for their design, and installation dates.

If there are any questions, please contact me at (419) 373-3009.

Sincerely,



Lynette Hablitzel, P.E.
Division of Surface Water
Storm Water Program

/llr

pc:  DSW-NWDO File
Joe Gearing, Civil Engineer II