



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: Allen County
Kettle Creation Inc.
Construction
Storm Water

July 8, 2009

Mr. Patrick Miller
Miller Contracting Group
P.O. Box 162
Ottoville, Ohio 45876

Dear Mr. Miller:

On June 4, 2009, I inspected Kettle Creation Inc., on Commerce Parkway between McClain Road and State Route 65, Lima (pictures taken). The purpose of my 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 (Construction General Permit), Facility ID No. 2GC02156. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Ohio EPA has no record of other permittees for this site.

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

1. At the time of inspection, the site was active. Construction was currently centered on the building. The storm sewers had been installed. There was equipment present. The concrete rinse area was just north of the trailers. A Storm Water Pollution Prevention Plan (SWP3) had been developed for the site and was available.
2. Inspection logs were not available. Inspections must be conducted weekly and within 24 hours of a 0.5" 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 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.*

3. There appeared to be a retention pond on the south side of the property. This structure is required to meet the design requirements for a sediment settling pond until construction activities have ended and a perennial vegetative cover of 70% density has been achieved over the tributary area. Without reviewing the SWP3, I am unable to determine if the pond meets the requirements of the permit. *Permit Requires:* Sediment settling ponds must meet the following criteria: a dewatering volume with a maximum depth of five (5) feet, sized at 67 cubic yard per drainage acre, and for drainage areas of five (5) acres or more: a minimum 48 hour dewatering time; a sediment storage volume of 1000 cubic feet per disturbed acre provided below the dewatering zone; and at least a 2:1 length to width ratio between the nearest inlet and the outlet. *Please see Part III.G.2.d.ii. of the permit.* It will be necessary to modify the pond, if it does not already meet all of these requirements.

4. Rills and gullies were present above the banks of the retention pond, as well as on the slope on the east side of the property. It appeared that the ground has remained idle for several weeks already as there was weed growth, stone pillaring, and gullies. *Permit Requires:* Portions of the construction site which will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Permanent stabilization is required within seven (7) days on any portion of the site that has reached final grade or will be idle for longer than one (1) year. Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented. *Failure to do so is a violation of Part III.G.2.b.i. of your permit.* At a minimum, temporary stabilization must be applied to bare idle areas of the site. I recommend applying cover of straw mulch at two (2) tons per acre, using a disc or a tackifier. This method would need to be maintained until fall, when weather conditions are suitable for seeding.

5. I observed sagging filter fabric along the south side of the property. *Permit Requires:* All control practices shall be maintained and repaired as needed to assure continued performance of their intended function. *This is a violation of Part III.G.2.h. of your permit.* For more information on the correct installation and maintenance techniques for these practices, please see the *Rainwater and Land Development Manual.*

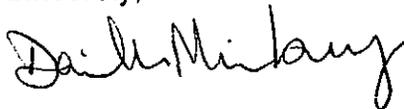
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Within 10 days of the date on this letter, please submit to this office **written notification** as to the actions taken or proposed to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion of the actions as well as a current copy of the site's Storm Water Pollution Prevention Plan, including those portions that demonstrate compliance with the post construction storm water management requirements of the permit. The latter would include a site map delineating the drainage area and location of each post construction control, the rationale for each control, and any detail drawings and water quality design calculations. If there are any questions, please contact me at (419) 373-3006.

Sincerely,



Danielle Meienburg
Division of Surface Water
Storm Water Program

/llr

pc CDSW-NWDO-File.7
Kirk Niemeyer, Lima City Engineer