



Environmental  
Protection Agency

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

Re: Ashland County  
Family Dollar  
Construction  
Storm Water

August 9, 2010

Mr. Dan Marshall  
CM Properties  
P. O. Box 61  
Parkersburg, West Virginia 26101

Dear Mr. Marshall:

On June 16, 2010, Sarah Clement and Judson Delancey inspected Family Dollar at 850 South Market Street in Loudonville (pictures were 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 GC02630\*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Rob Cutlip, from Quality Excavation and Construction, 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 for the construction site. Please note that Part II.A. of the Construction General Permit (CGP) **requires all operators of a construction site to become a co-permittee**. If you have a contractor that 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 inspection, construction at the site was ongoing. The building was erected, but had not been completed. A dozer was onsite and the final grading was underway. The swale behind the building, on the northwest side of the site, had not yet been excavated. There was a soil stockpile on the south corner of the site.
2. The Storm Water Pollution Prevention Plan (SWP3) was not on site. *This is a violation of Part III.C.2. of the permit.*

3. Inspection logs were not kept. 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'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. It appeared that solitary straw bales were being used as check dams to protect the outlet from the basin on the southeast side of the site, by Market Street. Bales are not accepted sediment or erosion controls. *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 III.G.2. of the permit.*
5. All temporary or permanent stabilization has not been established. The presence of rills and weed growth on the soil stockpile on the south corner of the lot indicate the timeframe for stabilization may have been exceeded. *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 days on any portion of the site that has reached final grade or will be idle for longer than one year. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a stream. 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 the permit.*
6. Sediment controls had not been installed to protect the adjacent waterway from the disturbed ground on the northeast side of the site. *Permit Requires:* Structural practices shall be implemented to protect adjacent streams. *This is a violation of Part III.G.2.d.v. of the permit.*
7. Mortar/concrete residue was observed on the ground just east of the building, where it appeared to have been rinsed from the equipment. Please be sure to implement controls to ensure the wash water does not flow into a drainage channel, a sewer system, or a waterway.

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*Permit Requires:* The Storm Water Pollution Prevention Plan (SWP3) must also provide BMPs for pollutant sources other than sediment. Non-sediment pollutant sources, which may be present on a construction site, include paving operations, concrete washout, structure painting, structure cleaning, demolition debris disposal, drilling and blasting operations, material storage, slag, solid waste, hazardous waste, contaminated soils, sanitary and septic wastes, vehicle fueling and maintenance activities, and landscaping operations. It is **prohibited** to burn, bury, or pour out onto the ground or into storm water conveyance any solvents, paints, stains, gasoline, diesel fuel, motor oil, hydraulic fluid, antifreeze, cement curing compounds, and other such solid or hazardous wastes. It should also be emphasized to on site contractors that **any rinse waters** of such materials are also prohibited from being placed where they may enter drainage ways. Wash out of cement trucks should occur in a diked, designated area, away from any conveyance channels. *Please see Parts III.G.2.g.i. and iii. of the permit.*

Please send written notification of what corrective measures you have taken to this office within 10 days of the date on this letter. Your response should include the dates, either actual or proposed for the completion of the actions, as well as a description of the post-construction storm water management practices that are being/ will be implemented at the site. 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 when construction has concluded. Such practices include, but are not limited to: storm water extended detention structures; retention structures; water quality swales; bioretention areas. Please include the type(s) of practices, the basis for its 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

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pc: DSW-NWDO-File  
Rob Cutlip, Quality Excavating and Construction  
The Village of Loudonville