

**Environmental  
Protection Agency**

Governor  
Lt. Governor  
Director

July 19, 2011

RE: LORAIN COUNTY  
CITY OF AVON  
RECREATION BLVD. EXTENSION  
NPDES PERMIT NO. OHC000003  
OHIO EPA PERMIT NO. 3GC05198\*AG  
CONSTRUCTION STORM WATER

**NOTICE OF VIOLATION**

Rob Knopf, Engineer  
City of Avon  
36080 Chester Road  
Avon, OH 44011

Dear Mr. Knopf:

On July 13, 2011, Ohio EPA conducted an inspection of the Recreation Blvd. Extension project located at I-90 and SR 611, City of Avon, Lorain County. Ohio EPA records indicate that the site is covered by the General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC05198\*AG. The inspection documented the following:

- **Failure to implement sediment controls in the timeframe specified in the NPDES permit.** This is a violation of Part III.G.2.d.i of the NPDES permit. No sediment controls were in place to protect French Creek. You must install silt fence or some other equivalent sediment control as detailed in the Storm Water Pollution Prevention Plan (SWP3) to avoid any possible consequences and fines due to non-compliance. (See Figures 1 & 2).
- **Failure to initiate temporary and permanent stabilization of areas disturbed by construction within the timeframes stipulated in the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit. There were areas throughout the site that appear to be at final grade or that will remain idle for twenty one (21) days or greater, specifically, the sloped embankments along French Creek. Please stabilize these areas with seeding, straw mulch or erosion control matting as specified in the SWP3 to prevent sediment laden runoff from entering the creek (See Figures 2 & 3). Stabilization within 50 feet of the stream is to be initiated within 2 days of reaching final grade or if the area disturbed by construction activity is to remain idle for 21 days or longer. Stabilization is to be initiated within 7 days of last disturbance or final grade in areas further than 50 feet from the stream.

ROB KNOPF, ENGINEER  
JULY 19, 2011  
PAGE 2

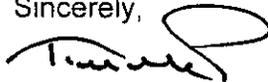
- **Failure to provide storm drain inlet protection where the storm sewer system does not drain to a sediment pond.** This is a violation of Part III.G.2.d.iv of the NPDES permit. There were several catch basins along the curb with inadequate inlet protection. Simply stretching geotextile material under the grate is not an acceptable form of inlet protection. Please refer to the *Ohio Rainwater and Land Development Manual (attached)* for detail drawings of acceptable inlet protection (See Figure 4) or use a commercially-available inlet protection device.
- **Failure to provide controls for non-sediment pollutants.** This is a violation of Part III.G.2.g.i of the NPDES permit. Torn bags of cement mix were being stored in an area exposed to precipitation. Please make sure runoff cannot come in contact with the cement mix by replacing bags that are torn and storing the mix in a more protected area such as a trailer or tote (See Figure 5).

Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$25,000 per day of violation.

Please provide me with a letter of response indicating the actions you will take to address the violations noted above. Your response must be received and corrective action completed by August 1, 2011. If corrective action cannot be completed by this date, your response should include the date by when corrections will be completed. Also, please fax a copy of your most recent storm water inspection report to my attention at (330) 487-0769 or via e-mail at [timothy.mcparland@epa.state.oh.us](mailto:timothy.mcparland@epa.state.oh.us).

Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1128.

Sincerely,



Tim McParland  
Assistant to the District Engineer  
Division of Surface Water

TM:bo

pc: James Smith, Mayor, City of Avon  
City Council, City of Avon

ec: Dan Bogoevski, DSW, NEDO  
Lindsie MacPherson, DSW, NEDO



Figure 1. There are no sediment controls in place to protect French Creek.



Figure 2. The stream is unprotected and the area surrounding it needs to be stabilized.



Figure 3. Areas at final grade need to be stabilized.



Figure 4. Inadequate inlet protection.

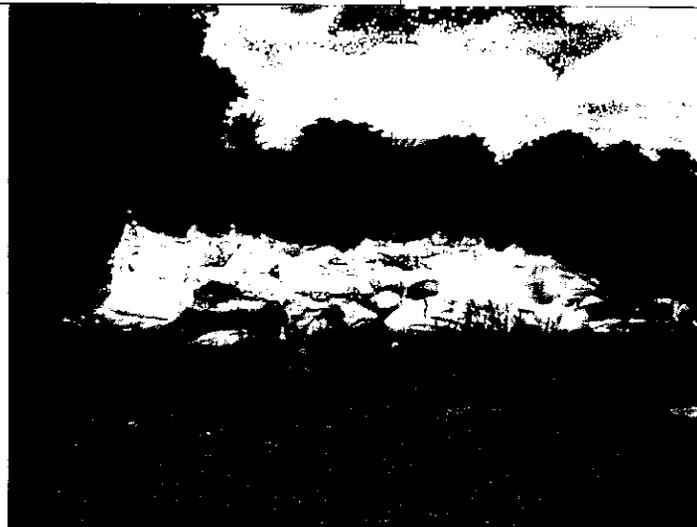


Figure 5. Open bags of cement mix stored on exposed soil.