



**Environmental
Protection Agency**

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

May 24, 2010

CERTIFIED MAIL

RE: Lorain County
Wetlands & Tributaries to Black River
LORCO Phase I, Project # 083343
Notice of Violation

Mr. John Kniepper, Director
Municipal Utilities Department
City of Avon Lake
201 Miller Road
Avon Lake, OH 44012

Dear Mr. Kniepper:

This letter is to advise you that the City of Avon Lake is in violation of the final Section 401 Water Quality Certification (WQC) issued for the LORCO Phase I Project on October 28, 2009, as outlined below.

1. Unauthorized Stream Crossings

Unauthorized impacts resulted from sewer line installation across Streams 1, 2, 4, 5-2, B, 6, 14, 15, 16, 17, 18 and 33(A) in contracts 1, 2 and 3. The violations were observed on April 22, 2010 as part of the compliance inspection for the Ohio EPA General Stormwater NPDES permit.

Item IV.B of the Section 401 WQC states that no fill may be placed in any wetlands or streams until Ohio EPA has provided written approval of the on-site mitigation plan. To date the on-site mitigation plan has not been approved by Ohio EPA.

2. Unauthorized Wetland Impacts

There are wetlands located along the same segments of installed sewer lines that crossed the above-referenced streams. Therefore, it is highly likely that sewer line installation in these areas also resulted in unauthorized impacts to Wetlands A, B, D, E, F, I, J, L, M, T, V, W, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, and AW in contracts 1, 2 and 3. Item IV.B of the Section 401 WQC states that no fill may be placed in any wetlands or streams until Ohio EPA has provided written approval of the on-site mitigation plan. To date the on-site mitigation plan has not been approved by Ohio EPA.

3. Failure to Report Violations

Item II.S of the Section 401 WQC states, "unpermitted impacts to surface water resources and/or their buffers, occurring as a result of this project, will be reported with 24 hours of occurrence to Ohio EPA for further evaluation". Ohio EPA has received no reports of the above-mentioned violations from the City of Avon Lake.

4. Failure to implement sediment control BMPs

Items II.K, M, N and O of the Section 401 WQC state the following:

- "Best Management Practices (BMPs) must be employed throughout the course of this project to avoid the creation of unnecessary turbidity which may degrade water quality or adversely affect aquatic life outside of the project area."
- "BMPs shall be utilized during construction to minimize erosion."

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OHIO EPA NPDES

- “Stormwater management measures (i.e., sediment and erosion control structures) shall be inspected immediately after each rainfall and at least daily during periods of prolonged rainfall.”
- “All disturbed areas in uplands that will lie dormant for over 21 days must be stabilized within 7 days of the date the area becomes inactive”.

Ohio EPA's enclosed May 5, 2010 General Construction Stormwater NPDES Permit Notice of Violation (NOV) documented violations of all of the above conditions.

5. Failure to implement required re-grading and re-seeding

- Item III. B of the Section 401 WQC states, “in disturbed areas within 50 feet of a stream or wetland, site re-grading and reseeding will be accomplished within 2 days after disturbance”.
- Item IV.B.1, Streams of the Section 401 WQC states that “within 48 hours of backfilling, stream banks within the temporary construction limits shall be **fully restored, including final contouring, final seeding, and stabilization using jute matting** (emphasis added).” The list of species to be planted is outlined in same section of the permit”.
- Item IV.B.1, Wetlands of the Section 401 WQC states that “temporary re-grading and re-seeding will be accomplished within 2 days after disturbance of wetlands”.

Ohio EPA's May 5, 2010 General Construction Stormwater NPDES Permit NOV documented violations of all of the above conditions.

By June 2, 2010, inform this office in writing, what will be done, and when it will be done, to return the project to compliance with the above-referenced Section 401 WQC conditions. In particular:

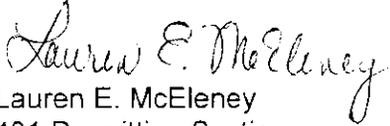
- For each stream crossing listed in Item 1, identify the date when the crossing was installed; confirm that permanent trench and slope breakers were installed as required by Item III.C of the Section 401 WQC; identify the date when final contouring, seeding and stabilization occurred as required by Item IV.B.1; OR, if not yet restored, the date when it will be restored consistent with the permit requirements.
- For all remaining stream crossings not listed in Item 1, and listed in Attachment 2 of the Section 401 WQC, either:
 - provide documentation confirming that the stream crossings have not yet occurred and identify what specific actions will be taken to insure that these crossings are not installed before Ohio EPA's written approval of the on-site mitigation plan has occurred; OR
 - provide a list of each additional stream crossing; identify the date when the crossing was installed; confirm that permanent trench and slope breakers were installed as required by Item III.C of the Section 401 WQC; identify the date when final contouring, seeding and stabilization occurred as required by Item IV.B.1; OR, if not yet restored, the date when it will be restored consistent with the permit requirements.
- For each wetland crossing identified in Item 2, identify the date when the crossing was installed; confirm that permanent trench and slope breakers were installed as required by Item III.C of the Section 401 WQC; identify the date when temporary re-grading and re-seeding (including the seed mix and amount used) occurred as required by Item IV.B.1; OR, if not temporarily re-graded and re-seeded, the date when this will occur as required by the permit.
- For all remaining wetland crossings not identified in Item 2, and listed in Attachment 1 of the Section 401 WQC, either:
 - provide documentation confirming that the wetland crossings have not yet occurred and identify what specific actions will be taken to insure that these crossings are not installed before Ohio EPA's written approval of the on-site mitigation plan has occurred; OR
 - provide a list of each additional wetland crossing; identify the date when the crossing was installed; confirm that permanent trench and slope breakers were installed as required by Item III.C of the Section 401 WQC; identify the date when temporary re-grading and re-seeding occurred as required by Item IV.B.1; OR, if not temporarily re-graded and re-seeded, the date when this will occur as required by the permit.

- Identify each location where project installation to date has resulted in disturbed areas within 50 feet of a stream or wetland as listed in Attachments 1 and 2 of the Section 401 WQC. For each of these areas: identify the date when the disturbance occurred; identify the date when the disturbed area was re-graded and re-seeded (including the seed mix and amount used) as required by Item III.B; OR, if not re-graded and re-seeded, the date when this will occur as required by the permit.

Please be advised that failure to comply with Section 401 WQC conditions may be cause for enforcement action pursuant to Ohio Revised Code Section 6111 and subject the city to civil penalties.

If you have any questions regarding the above, contact me at 614-644-2865.

Respectfully,


Lauren E. McElaney
401 Permitting Section
Division of Surface Water

Enclosure

cc: Christopher Jones, Calfee, Halter & Griswold LLP, 1100 Fifth Third Center, 21 E State St,
Columbus, OH 43215-4243
Peter Krakowiak, US Army Corps of Engineers, Buffalo District
Robert Smallwood, GRW, 801 Corporate Drive, Lexington, KY 40503
Dan Bogoevski, NEDO-DSW
Jeffrey Boyles, Mitigation Coordinator, DSW
George Elmraghy, DSW
Dan Halterman, DEFA
Bill Fishbein, Legal
File



**Environmental
Protection Agency**

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

May 5, 2010

RE: Lorain County
Black River Watershed
Eaton Twp
LORCO Wastewater Collection System
and Pump Station (Contracts 1-5)

NOTICE OF VIOLATION

Mr. John Kniepper
Avon Lake Municipal Utilities
201 Miller Rd.
Avon Lake, OH 44012

Mr. Dave Gahris
Robert Lloyd
Underground Utilities Inc
416 W. Monroe St
P.O. Box 428
Monroeville, OH 44847

Mr. Scott Schneider
Fabrizzi Trucking & Paving Co Inc
389 Columbia Rd
Valley City, OH 44280

Mr. Nathan Sautter
Elite Excavating Co of Ohio Inc
4500 Snodgrass Rd
Mansfield, OH 44903

Mr. Dave Sugar
Dave Sugar Excavating LLC
P.O. Box 459
New Middletown, OH 44442

Mr. Pete Majstorovic
DiGoia-Suburban Excavating LLC
11293 Royalton Rd
North Royalton, OH 44133

Mr. Thomas Agresta Jr.
Mr. Excavator
8616 Euclid Chardon Rd
Kirtland, OH 44094

Dear Mr. Kniepper, Mr. Gahris, Mr. Lloyd, Mr. Schneider, Mr. Sautter, Mr. Sugar, Mr. Majstorovic and Mr. Agresta:

LORCO Wastewater Collection System
and Pump Station (Contracts 1-5)

May 5, 2010

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On April 22, 2010, I performed a compliance inspection of storm water best management practices (BMPs) at the above referenced construction sites. I was accompanied on my inspection by Tom Boettler, chief inspector for City of Avon Lake Municipal Utilities, and Nancy Funni of the Lorain Soil & Water Conservation District (SWCD). Our records indicate that storm water runoff from these construction sites is regulated by the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC03285*AG (Contracts 1, 2 & 3) and #3GC04682*AG (Contract 4 & 5). As of the date of inspection, the following contracts were active:

Contract	Co-Permittee
1A	DiGoia Suburban Excavating LLC
1B	Underground Utilities Inc
2A	Fabrizzi Trucking & Paving Co Inc
2B	Underground Utilities Inc
3A	Elite Excavating Co of Ohio Inc
3B	Elite Excavating Co of Ohio Inc
4	Mr. Excavator
5C	Dave Sugar Excavating LLC

My inspection revealed the following violations:

Administrative Issues

- **Failure to include the limits of earth-disturbing activity associated with off-site spoil areas within the SWP3.** This is a violation of Part III.G.1.n.i and vi. of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. Avon Lake Municipal Utilities is still not receiving information about off-site spoil areas from all Co-Permittees. The City was only able to provide documentation about two off-site spoil disposal sites: (1) The Belden School at SR 83 and 303, and (2) Columbia Twp Property 2 miles east of Hawke Rd. Underground Utilities Inc operates at both of these spoil sites and Dave Sugar Excavating LLC operates only at the Columbia Twp property. No other information has been provided by other Co-Permittees regarding the off-site spoil areas they are operating. Lorain SWCD is aware of at least two additional spoil disposal sites including one on Boston Rd operated by Fabrizio Trucking & Paving Co Inc and one on Robson Rd operated by Elite Excavating Co of Ohio Inc. In addition, it was noted during my previous site visit on February 11, 2010, that Reed Salvage Yard was being used as a disposal site. The City of Avon Lake and the Co-Permittees in violation of this requirement will remain in violation until the required information is added to the SWP3. At a minimum, the City should obtain a plan sheet or drawing for each off-site spoil area showing: (a) its location, (b) the limits where spoils will be placed on the property and (c) the location of all erosion and sediment control practices.
- **Failure to document BMP inspections conducted at least once every 7 days and within 24 hours of a 0.5-inch or greater rain event.** This is a violation of Part III.G.2.i. of the NPDES permit and ORC 6111.04 and 6111.07. Avon Lake Municipal Utilities did not have sufficient documentation to demonstrate compliance with this requirement. To

demonstrate compliance, please provide me with a copy of the BMP inspection reports for the month of April 2010.

BMP Implementation

For clarity sake, my findings will be presented by contract.

Contract 1A

- **Failure to maintain silt fence in a functional condition until the area it controls reaches final stabilization.** This is a violation of Part III.G.2.h of the NPDES permit and ORC 6111.04 and 6111.07. A section of silt fence along Cooley Road has been removed, yet the area disturbed by construction activities has not been stabilized. Please reinstall the silt fence and maintain it until vegetation is established to a growth density of 70% or greater.
- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. There are many sections of sewer pipe that were installed during winter conditions or longer than 21 days ago but the soil was never stabilized. Please seed and mulch all disturbed areas as required by the NPDES permit.
- **Failure to construct the rock construction entrance at SR 83 and Cooley Road per the specifications in the Storm Water Pollution Prevention Plan (SWP3).** This is a violation of Part III.G.2 of the NPDES permit and ORC 6111.04 and 6111.07. Please see enclosed specifications from *Rainwater and Land Development, Ohio's Standards for Storm Water Management, Land Development and Urban Stream Protection* (Ohio Dept. of Natural Resources, 2006) for proper construction of a rock construction entrance. These specifications are referenced in the SWP3. Note that ODOT #2 stone is to be underlain with geotextile. The contractor has not used the proper stone and has omitted the geotextile. Rock construction entrances are needed near the corner of Cooley Rd and SR 83 and at the SR 83 North Pump Station.
- **Failure to implement proper trench and groundwater dewatering techniques.** This is a violation of Part III.G.2.g.iv of the NPDES permit and ORC 6111.04 and 6111.07. The NPDES permit requires sediment-laden trench or groundwater to be passed through a sediment-settling pond or other equally effective sediment control device such as a dewatering bag specifically designed for this task. The contractor did not implement any control practices when dewatering the excavation at the SR 83 North Pump Station. As a result, sediment-laden water from the excavation was pumped directly into an unnamed tributary of Bannister Ditch.

- **Failure to implement controls to prevent the discharge of liquid waste.** This is a violation of Part III.G.2.g of the NPDES permit and ORC 6111.04 and 6111.07. Cement trucks were being washed out at the pump station just upstream from a storm sewer inlet. No containment pit or washout area had been established for cement trucks to use. Fortunately, this activity was caught early on so that an actual discharge to the storm sewer was prevented. A cement washout pit was hastily constructed near the corner of SR 83 and Cooley Rd.
- **Failure to construct storm drain inlet protection per the specifications contained in the Storm Water Pollution Prevention Plan (SWP3).** This is a violation of Part III.G.2.d.iii of the NPDES permit and ORC 6111.04 and 6111.07. Please refer to the approved SWP3 and the enclosed specifications for the proper construction of storm drain inlet protection. Please note that yard drain protection is to be constructed with 2"x4"s, cross braces and wire mesh in addition to silt fence. It is not acceptable to simply string a line of silt fence around a yard inlet.

Contract 1B

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. Although I did note mulch along the banks of stream crossings, there are many sections of sewer pipe that were installed during winter conditions or longer than 21 days ago but the soil was never stabilized. Please seed and mulch all disturbed areas as required by the NPDES permit.
- **Failure to initiate permanent stabilization of disturbed areas at final grade within 7 days of reaching final grade.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Ditch work along Brokaw Road has been complete for approximately 6 weeks now, yet the road ditch has not been stabilized. Please seed and mulch the road ditch. Be aware that erosion control matting, rock rip-rap or rock check dams may be required to stabilize the road ditch. Please see the enclosed specifications on the proper stabilization of storm water conveyances and consult with the project engineer to determine where special measures must be applied.
- **Failure to install silt fence in a functional condition.** This is a violation of Part III.G.2.d of the NPDES permit and ORC 6111.04 and 6111.07. Silt fence, like any other sediment control, must be capable of ponding runoff if it is to be considered functional. Please trench in and backfill silt fence, and turn the ends of the silt fence upslope to assure that runoff ponds behind it.

- **Failure to minimize off-site tracking of sediment onto Hawke Road.** This is a violation of Part III.G.2.g.ii of the NPDES permit and ORC 6111.04 and 6111.07. Please be sure to sweep streets as frequently as needed to minimize the amount of soils on roadways. This is particularly important since soil excavated to lay the sewer pipe is often stockpiled on roadway surfaces, leaving an appreciable amount of soil on pavement after the pipe is backfilled. Further, please be aware that a mechanical brush is not as effective as a vacuum sweeper. Ohio EPA recommends the use of a vacuum sweeper for larger projects such as this one.

Contract 2A

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. Although this contractor has implemented temporary stabilization on some parts of his project area, it was not implemented for disturbances south of Durkee Rd and west of Willow Creek. Please seed and mulch all disturbed areas as required by the NPDES permit.
- **Failure to initiate permanent stabilization of disturbed areas at final grade within 7 days of reaching final grade.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. The ditch along SR 82 at Willow Creek has not been stabilized properly. Please seed and mulch the road ditch. Be aware that erosion control matting, rock rip-rap or rock check dams may be required to stabilize the road ditch. Please see the enclosed specifications on the proper stabilization of storm water conveyances and consult with the project engineer to determine where special measures must be applied.
- **Failure to implement sediment ponds to control concentrated storm water runoff.** This is a violation of Part III.G.2.d.ii of the NPDES permit and ORC 6111.04 and 6111.07. The contractor had installed silt fence across the road ditch as an attempt to prevent sediment from discharging to Willow Creek. Please be aware that this is not an allowable use of silt fence. Concentrated flows of storm water runoff, such as those that pass through the SR 82 ditch, must be controlled through the use of sediment ponds. For drainage areas up to 5 acres in size, sediment traps may be implemented within the SR 82 ditch prior to where it discharges to Willow Creek. Please consult with the project engineer to size, design and locate appropriate sediment traps for this project.
- **Failure to implement proper trench and groundwater dewatering techniques.** This is a violation of Part III.G.2.g.iv of the NPDES permit and ORC 6111.04 and 6111.07. The NPDES permit requires sediment-laden trench or groundwater to be passed through a sediment-settling pond or other equally effective sediment control device such as a dewatering bag specifically designed

for this task. The contractor did not implement any control practices and then hastily attempted to put the end of the hose into a Dandy Bag designed for storm drain inlet protection when they became aware that Ohio EPA was on site. The Dandy Bag designed for storm drain inlet protection is not an acceptable substitute for the Dandy Bag product designed for dewatering. Please be sure that the proper product is being implemented for the task.

- **Failure to install silt fence along the drainage ditch west of the current workzone along SR 82.** This is a violation of Part III.G.2.d.ii of the NPDES permit. Silt fence or other perimeter control must be installed to control sheet flow discharges from disturbed soils to the ditch.

Contract 2B

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. There are many sections of sewer pipe that were installed during winter conditions or longer than 21 days ago but the soil was never stabilized. Please seed and mulch all disturbed areas as required by the NPDES permit.
- **Failure to install silt fence in a functional condition.** This is a violation of Part III.G.2.d of the NPDES permit and ORC 6111.04 and 6111.07. Silt fence, like any other sediment control, must be capable of ponding runoff if it is to be considered functional. Please trench in and backfill silt fence, and turn the ends of the silt fence upslope to assure that runoff ponds behind it.
- **Failure to install silt fence along the drainage ditch near the Cowley Road Pump Station.** This is a violation of Part III.G.2.d.ii of the NPDES permit. Silt fence or other perimeter control must be installed to control sheet flow discharges from disturbed soils to the ditch.
- **Failure to implement sediment ponds to control concentrated storm water runoff.** This is a violation of Part III.G.2.d.ii of the NPDES permit and ORC 6111.04 and 6111.07. The contractor has installed silt fence across the road ditch as an attempt to prevent sediment from discharging to the aforementioned drainage ditch. Please be aware that this is not an allowable use of silt fence. Concentrated flows of storm water runoff, such as those that pass through the Cowley Road ditch, must be controlled through the use of sediment ponds. For drainage areas up to 5 acres in size, sediment traps may be implemented within the Cowley Road ditch prior to where it discharges to an existing culvert pipe or a water of the state. Please consult with the project engineer to size, design and locate appropriate sediment traps for this project.

- **Failure to minimize off-site tracking of sediment onto Cowley Road.** This is a violation of Part III.G.2.g.ii of the NPDES permit and ORC 6111.04 and 6111.07. Although a brush was available on site, it was not in operation during this visit and there was an appreciable amount of soil on the roadway. Please be sure to sweep streets as frequently as needed to minimize the amount of soils on roadways. This is particularly important since soil excavated to lay the sewer pipe is often stockpiled on roadway surfaces, leaving an appreciable amount of soil on pavement after the pipe is backfilled. Further, please be aware that a mechanical brush is not as effective as a vacuum sweeper. Ohio EPA recommends the use of a vacuum sweeper for larger projects such as this one.

Contract 3A

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. There are many sections of sewer pipe that were installed during winter conditions or longer than 21 days ago but the soil was never stabilized. This includes the area to the east and southeast of the Avon Lake Fourplex Pump Station and areas along Indian Hollow Rd. Please seed and mulch all disturbed areas as required by the NPDES permit.
- **Failure to maintain silt fence in a functional condition until the area it controls reaches final stabilization.** This is a violation of Part III.G.2.h of the NPDES permit and ORC 6111.04 and 6111.07. Silt fence has been buried by soil or needs repair along Indian Hollow Rd north of Slife Rd. Please repair the silt fence and maintain it until vegetation is established to a growth density of 70% or greater.
- **Failure to install storm drain inlet protection around catch basins that receive runoff from disturbed areas of the site.** This is a violation of Part III.G.2.d.iv of the NPDES permit and ORC 6111.04 and 6111.07. A catch basin immediately downslope of the current workzone on Indian Hollow Rd had not inlet protection installed. Please install inlet protection, being sure to build it per the specifications contained in the Storm Water Pollution Prevention Plan (SWP3) or the enclosed specifications from *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (ODNR, 2006). Be sure to install storm drain inlet protection on future sections of the project prior to disturbing soils that would drain to that inlet.
- **Failure to minimize off-site tracking of sediment onto Indian Hollow Road.** This is a violation of Part III.G.2.g.ii of the NPDES permit and ORC 6111.04 and 6111.07. Please be sure to sweep streets as frequently as needed to minimize

the amount of soils on roadways. This is particularly important since soil excavated to lay the sewer pipe is often stockpiled on roadway surfaces, leaving an appreciable amount of soil on pavement after the pipe is backfilled. On the date of inspection, this was even causing a fugitive dust issue as cars drove through the workzone. Further, please be aware that a mechanical brush is not as effective as a vacuum sweeper. Ohio EPA recommends the use of a vacuum sweeper for larger projects such as this one.

Contract 3B

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. There are many sections of sewer pipe that were installed during winter conditions or longer than 21 days ago but the soil was never stabilized. This violation was discussed with this contractor during my previous site visit on February 11, 2010, yet this violation had not been corrected. Please seed and mulch all disturbed areas as required by the NPDES permit.
- **Failure to install silt fence in a functional condition.** This is a violation of Part III.G.2.d of the NPDES permit and ORC 6111.04 and 6111.07. Silt fence, like any other sediment control, must be capable of ponding runoff if it is to be considered functional. Please trench in and backfill silt fence, pull it tight, and turn the ends back upslope to assure that runoff ponds behind it. The silt fence was not properly installed along the north side of the unnamed tributary to Dent Ditch at the Slife Road Pump Station. No silt fence was installed along the south side of this stream.
- **Failure to construct the rock construction entrance at the Slife Road Pump Station per the specifications in the Storm Water Pollution Prevention Plan (SWP3).** This is a violation of Part III.G.2 of the NPDES permit and ORC 6111.04 and 6111.07. Please see enclosed specifications from *Rainwater and Land Development, Ohio's Standards for Storm Water Management, Land Development and Urban Stream Protection* (ODNR, 2006) for proper construction of a rock construction entrance. These specifications are referenced in the SWP3. Note that ODOT #2 stone is to be underlain with geotextile. The contractor has not used the proper stone and has omitted the geotextile.

Contract 4

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. The soil stockpiles to the east of the pump station have not been stabilized yet they will remain in place for

21 days or longer. The NPDES permit required you to initiate stabilization within 7 days of last disturbance, i.e., when creation of any section of the stockpile is complete, seed and mulch it within 7 days. Please seed and mulch all disturbed areas as required by the NPDES permit.

- **Failure to implement proper trench and groundwater dewatering techniques.** This is a violation of Part III.G.2.g.iv of the NPDES permit and ORC 6111.04 and 6111.07. The NPDES permit requires sediment-laden trench or groundwater to be passed through a sediment-settling pond or other equally effective sediment control device such as a dewatering bag specifically designed for this task. The contractor is currently pumping water from the excavation for the Avon Lake Fourplex Pump Station onto stone and then toward a silt fence. This is not an acceptable alternative as we noted some undercutting of the silt fence was beginning to occur and sediment was passing through to the downslope side of the silt fence. Please implement one of the techniques contained in the NPDES permit being careful not to release the water at the top of slope above Robson Ditch, but rather extending the hose or outlet to the bottom of the slope.
- **Failure to implement non-sediment pollutant controls for tanks and drums that contain liquids.** This is a violation of Part III.G.2.g.i of the NPDES permit and ORC 6111.04 and 6111.07. Although the fuel tank is double-walled, there is no spill kit and it is not within a containment dike. These measures are necessary to prevent spilled fuel from discharging from the site. In addition, no containment has been provided for the drum of Magic Kote. Drums of chemicals used during construction should be stored on a spill containment tray or in a trailer. A drip pan should be placed under the spigot.
- **Although a cement washout pit was established for this project, not all drivers have been using it.** We noted some washout had occurred in an uncontained area south of the pit and some trucks did not fully direct their washwater into the containment pit. Please notify cement companies used on this project of the need to use the washout pit and take appropriate sanctions against those that fail to do so.

Contract 5C

- **Failure to initiate temporary stabilization of disturbed areas in the timeframes required by the NPDES permit.** This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Once a section of sewer pipe or force main is installed and backfilled, it must be seeded and mulched, or just mulched, within 7 days if the soil will not be reworked within 21 days or longer. Although this contractor has implemented temporary stabilization from Durkee Rd to SR 57, the disturbed area north of SR 82 where the sewer line goes north toward Avon Lake has not been stabilized. Please seed and mulch all disturbed areas as required by the NPDES permit.

LORCO Wastewater Collection System
and Pump Station (Contracts 1-5)
May 5, 2010
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You are directed to correct the violations noted during this inspection and enforce provisions of the SWP3 and NPDES permit so as to prevent future violations from occurring. Please provide me with a letter of response indicating the actions you have taken to address these concerns. A response letter is expected from all permittees. Include any revisions to the SWP3 that are made as a result of this notice of violation. Your responses should be received **no later than May 21, 2010**. Please be aware that violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Karl Zuber, Mayor, City of Avon Lake
Rob Berner, Executive Director, Lorain County Rural Wastewater District
Nancy Funni, Lorain SWCD
Trustees, Eaton Twp
Lauren McEleney, Ohio EPA, DSW, CO

Contract 2B

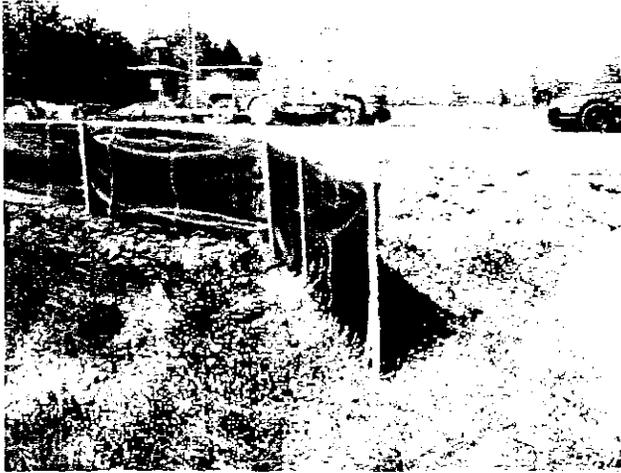


Fig 1 (LEFT). The end of the silt fence is turned downslope rather than upslope. This allows sediment-laden runoff to flow around the end rather than cause it to pond behind the fence.

Fig 2 (RIGHT). There is no silt fence between the edge of disturbance for the Cowley Rd Pump Station and the drainage ditch.



Fig 3 (LEFT). No temporary stabilization of disturbed areas has been initiated along Cowley Rd.

Fig 4 (RIGHT). Storm drain inlet protection has not been constructed per approved specifications.

Contract 2B (con't).



Fig 5. Placing silt fence across a ditch will not provide adequate sediment control for concentrated flows of runoff. Sediment traps must be placed at key locations to control such flows.

Contract 1B



Fig 6 (LEFT). Special measures such as erosion control matting, rock rip-rap, sod or rock check dams may be required to stabilize road ditches.

Fig 7 (RIGHT). To minimize off-site tracking, street sweeping must occur more frequently. Wherever feasible, soil excavated to install pipe should not be stockpiled on roadways, but rather be placed upslope of the sewer trench.

Contract 1B (con't)

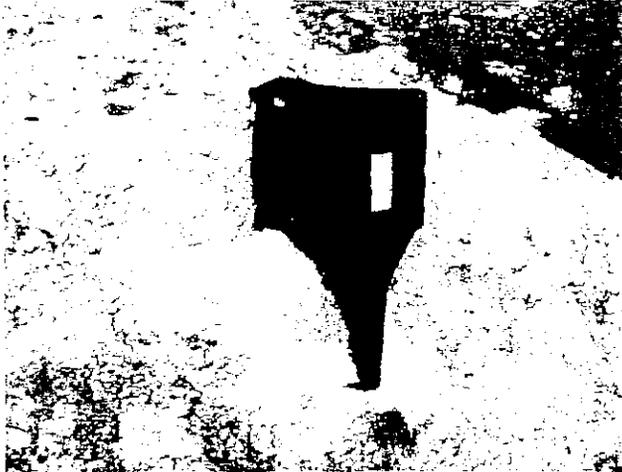


Fig 8 (ABOVE). Storm drain inlet protection has not been installed per approved specifications.



Fig 9 (RIGHT). Temporary stabilization has not been initiated along Henwill Rd.



Fig 10 (LEFT). The road ditch along Reed Rd is at final grade for longer than 7 days, yet permanent stabilization has not been initiated.

Fig 11 (ABOVE). Silt fence along this drainage ditch is not trenched in and backfilled as required, is not pulled tight and has not been extended to the length needed to intercept sheet flow runoff before it enters the ditch.

Contract 1A



Fig 12 (LEFT). Placing straw bales across a ditch will not provide adequate sediment control for concentrated flows of runoff. Sediment traps must be placed at key locations to control such flows.

Fig 13 (ABOVE). Silt fence that had been installed along the Cooley Road ditch has been removed before stabilizing the area disturbed by construction.

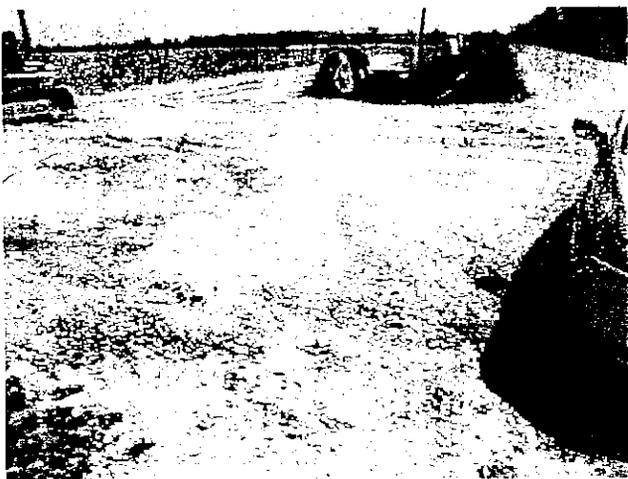


Fig 14 & 15. The rock construction entrances near SR 83 and Cooley Road (LEFT) and at the SR 83 North Pump Station (RIGHT) have not been constructed per accepted standards.

Contract 1A (Cont.)

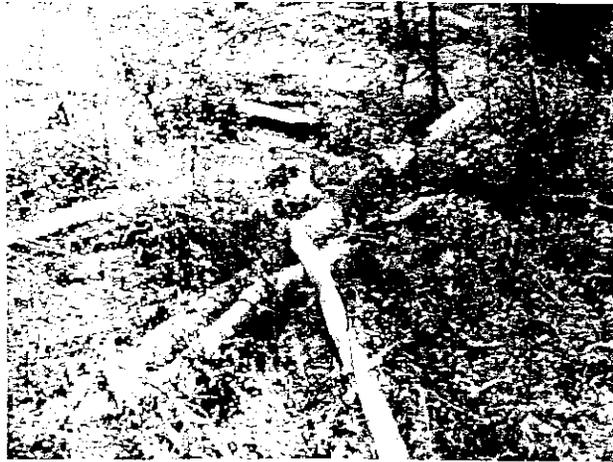


Fig 16 – 19. Improper excavation dewatering at the SR 83 North Pump Station has resulted in a discharge of sediment to an unnamed tributary of Banister Ditch.



Contract 1A (Cont.)

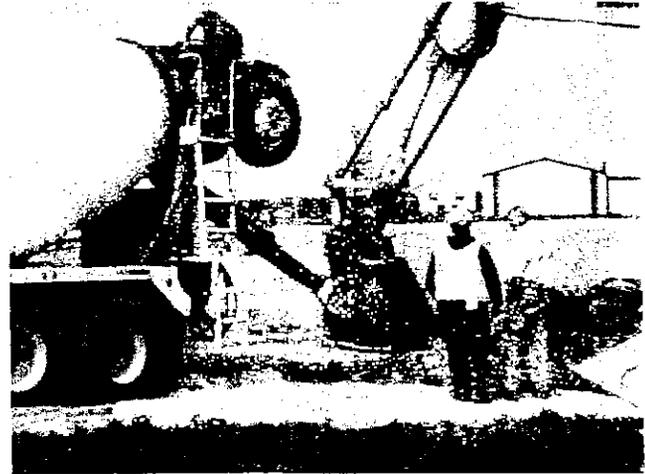


Fig 20 (LEFT). Cement trucks were washing out along the side of SR 83 in an area just upslope of a storm drain. No washout pit had been provided.

Fig 21 (RIGHT). A washout pit was hastily constructed at SR 83 and Cooley Rd. However, please note that the cement truck driver is washing out the drum and chute before the pit has been established even after he was just told that he was not permitted to wash out in an uncontained area.

Contract 2A



Fig 22 & 23. Temporary stabilization at the SR 82 crossing over Willow Creek was performed well to the west, but poorly to the east of the bridge. In addition, there is no sediment control in place to prevent sediment-laden discharges to Willow Creek until the grass can establish.

Contract 2A (con't)



Fig 24 & 25. Controls for trench dewatering were not in place at the time of inspection, resulting in sediment-laden discharges to the SR 82 road ditch. Here a worker is trying to place the end of the hose in a Dandy Bag intended for storm drain inlet protection, not dewatering.



Fig 26 (LEFT). Fluids dripping from construction vehicles create a storm water pollution source along SR 82. When leaks are detected, the vehicle should be removed from active duty until it is repaired. Absorbents such as Oil-Dri or kitty litter can be used to clean up spills.

Fig 27 (RIGHT). The area along the SR 82 road ditch has been disturbed by construction activity, yet there is no silt fence in place to minimize sediment-laden discharges.

Contract 5C



Fig 28 (LEFT). Although the contractor indicated that this stockpile would be removed by the end of the day, note that it was placed in the road ditch along SR 82. This is not a suitable location for stockpiles. If it rains, this soil would wash down the ditch and into Robson Ditch.

Fig 29 (RIGHT). The area disturbed where the sewer line breaks north toward Avon Lake has been disturbed but has not been stabilized and is not being worked.

Contract 4



Fig 30 (LEFT). The diesel fuel tank is not in containment and there is no spill kit on site.

Fig 31 (RIGHT). A cement washout pit has been provided, however some washwater is not making it into the pit. Please be sure to educate cement truck drivers to always use the pit.

Contract 4 (cont.)

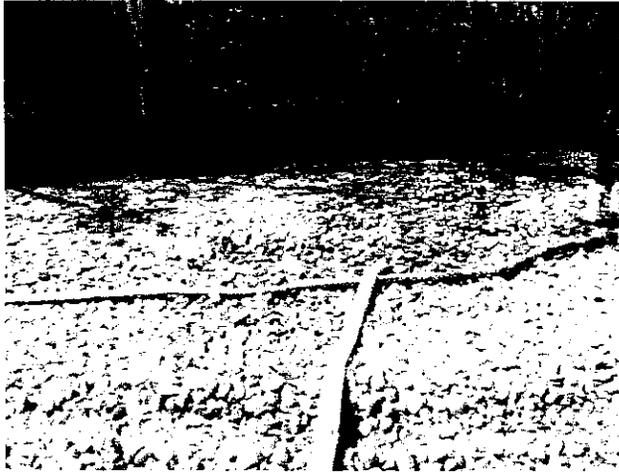


Fig 32 & 33. The contractor is not using an approved trench dewatering method causing the silt fence to fail at the point of flow concentration. Note that this location is above Robson Ditch.

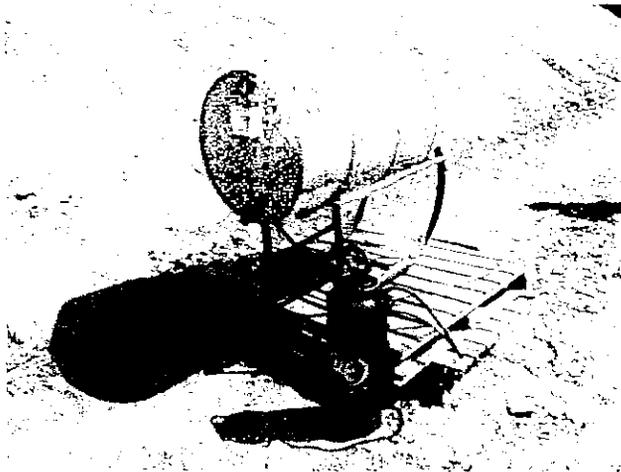


Fig 34 (LEFT). The drum of Magic Kote is not placed within containment. There is no drip pan beneath the spigot.

Fig 35 (RIGHT). The soil stockpile has not been temporarily stabilized.

Contract 3A



Fig 36 (LEFT). Areas disturbed by construction activity just south of the Avon Lake Fourplex Pump Station have not been properly stabilized. Straw mulch has been applied at too low a rate. The recommended application rate is 2 tons per acre (2-3 bales per 1000 sq. ft.).

Fig 37 (RIGHT). No silt fence has been placed along this unnamed tributary to Robson Ditch south of the Avon Lake Fourplex Pump Station to protect it from sediment-laden runoff.

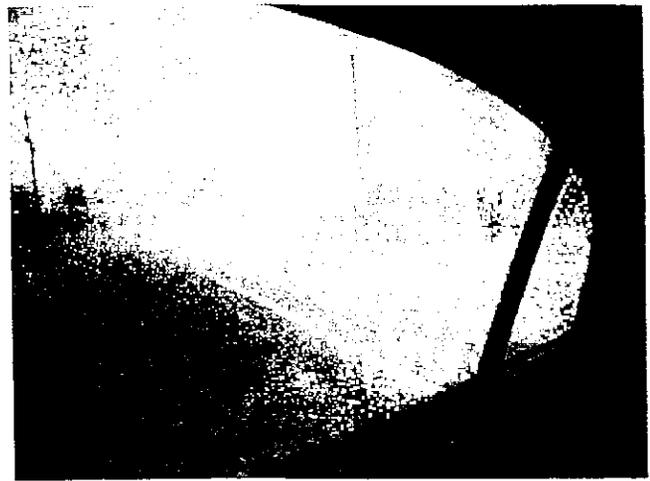


Fig 38 (LEFT). No inlet protection has been installed around this storm drain along Indian Hollow Road.

Fig 39 (RIGHT). Insufficient street sweeping allows traffic to create dust emissions as it passes through the work zone.

Contract 3A (con't)



Fig 40. Disturbed areas along Indian Hollow Rd north of Slife Road have not been stabilized. Silt fence has not been maintained.

Contract 3B



Fig 41 (LEFT). Silt fence has been installed along this unnamed tributary of Dent Ditch by the Slife Road Pump Station, but it has not been properly trenched in, pulled tight and backfilled.



Fig 42 (RIGHT). Silt fence has not been installed along the south side of the stream pictured in Fig 42. In addition, a rock construction entrance has not been provided to access the pump station site.