Ohio | Environmental Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 14, 2011

RE: LORAIN COUNTY
CITY OF LORAIN
WHTTIER MIDDLE SCHOOL
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Mr. Dan Denicola
Chief Operations Officer
Lorain City Schools
2350 Pole Ave.
Lorain, OH 44052

Mr. Mike Huddleston
Telamon Construction Inc.
P.O. Box 418
Sandusky, OH 44871-0418

Dear Mr. Denicola and Mr. Huddleston:

On July 8, 2011, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. While on site, I spoke with Kevin Farwick of Hammond Construction, construction project managers, and Eric Gray of Telamon Construction, contractor responsible for sediment and erosion control. My inspection was performed in response to a complaint from a local citizen indicating that off-site tracking of sediment and lack of perimeter controls has resulted in sediment entering the City of Lorain municipal separate storm sewer system (MS4). Our records indicate that Lorain City Schools and Telamon Construction have obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04783*AG.

My inspection revealed that the site is being prepared for final stabilization. Mr. Gray indicated that the site is scheduled to be hydroseeded and strawed during the week of July 11, 2011. Although there was some evidence that perimeter controls and storm drain inlet protection had been previously installed, they were not in place on the date of inspection. Mr. Gray indicated that these BMPs were removed in order to perform final grading. After review of the site and Storm Water Pollution Prevention Plan (SWP3), I noted the following violations of the NPDES permit:

Sediment and Erosion Control

- **Failure to control off-site tracking of sediment from the construction site.** This is a violation of Part III.G.2.g.ii of the NPDES permit. Off-site tracking was observed on Fairless Drive as well as a lesser amount on Goble Drive. Off-site tracking primarily occurs because no rock construction entrances have been provided within interior areas of the site where construction vehicles are driving from bare soils onto pavement. Rock construction entrances should be provided in all locations where vehicles access bare areas from pavement. In addition, ramps to allow construction vehicles to drive over curbs and sidewalks without causing damage to them are being constructed out of soil.

These ramps should be constructed out of non-erodible material such as stone or a metal plate. Finally, more attention to good housekeeping is needed. Mr. Gray indicated that pavement within the boundaries of the site is swept in addition to the adjacent streets, however this may need to occur more frequently than it currently does.

- **Failure to maintain silt fence in a functional condition until all up slope areas they control are permanently stabilized.** This is a violation of Part III.G.2.h of the NPDES permit. Silt fence has been removed prematurely and must be reinstalled where needed. For areas being stabilized with vegetation, grass must reach a growth density of 70% or greater before silt fence is removed. Please note that the Storm Water Pollution Prevention Plan (SWP3) shows the silt fence was to be placed outside the limits of construction, so it should not have interfered with your ability to perform final grading. I identified the key locations where silt fence should be reinstalled during our walk-through of the site. This is primarily along the north end and near the entrances along Fairless Drive.

- **Failure to maintain storm drain inlet protection in a functional condition until all up slope areas they control are permanently stabilized.** This is a violation of Part III.G.2.h of the NPDES permit. Now that the temporary riser pipe has been removed from the detention basin, it no longer provides a sediment control function. Thus, sediment must be kept from entering the storm drain system through the use of inlet protection. Dandy Bags were installed on some of the storm drains, but not on all drains. Some was installed, but not properly. Please install inlet protection on all storm drains and ensure that it remains in place until disturbed areas have been stabilized to a growth density of 70% or greater.

- **Failure to implement best management practices to prevent turbid discharges from dewatering activities.** This is a violation of Part III.G.2.g.iv of the NPDES permit. Telamon Construction has set up a pump to dewater residual runoff that does not freely drain from the detention basin. This turbid water is being pumped directly to a storm sewer manhole downstream of the basin. The NPDES permit requires turbid water that collects within trenches, excavations or other containment structures to pass through a sediment-settling pond or other equally effective sediment control device. Alternatives to a sediment-settling pond include settling in place within an impoundment for 24 hours or longer and then floating the intake hose at the surface of the impoundment to dewater it, using a dewatering bag designed for sediment control purposes or creating a sump pit with perforated riser wrapped in geotextile within an impoundment and then drawing water from within the riser.

- **Failure to provide cover on waste dumpsters to prevent the generation of leachate.** This is a violation of Part III.G.2.g.i of the NPDES permit. All solid waste dumpsters should be lidded or tarped when not in use. We noted a dumpster near Hammond's construction trailer that was exposed to storm water. No tarp or other cover has been provided for this dumpster. Storm water that contacts solid waste is leachate, a wastewater. The NPDES permit does not authorize the discharge of leachate from the site. Thus, BMPs must be implemented to ensure no leachate is discharged from the site.

Post-Construction Water Quality Controls

- **Failure to provide post-construction storm water practice to control the quality and quantity of storm water runoff.** This is a violation of Part III.G.2.e of the NPDES permit. A review of the SWP3 shows that the entire drainage system of the site will drain to a detention basin. However, the storm water management report states that the basis of design was the City of Lorain detention requirement for a 10-year storm. No indication is given that the basin has been designed to provide extended detention of the Water Quality Volume (WQv) as required by the NPDES permit. Please review the design of the detention basin and make all changes necessary to ensure it is designed to meet NPDES permit requirements.

  If your intent is to provide a dry extended detention basin, be aware that the design must include a forebay and micropool, each sized at 10% of the WQv. This volume may count toward the "additional 20% of the WQv" that must be provided to store pollutants which will accumulate in the basin. For a dry extended detention basin, the outlet structure must be designed to drain the WQv in 48 hours or longer. Additional storage and outlet structures may be required to further meet the traditional detention requirements of the City of Lorain. Please consult with Dale Vandersommen, Engineer, City of Lorain, to determine how best to achieve both objectives with a single basin.

You are directed to provide me with a letter of response indicating the actions that you have taken or will take to address the violations noted above. Include any amendments to the SWP3 with your response. Your response must be received no later than July 29, 2011. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07. Violations of ORC 6111 are punishable by fines of up to $25,000 per day of violation.

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

Sincerely,

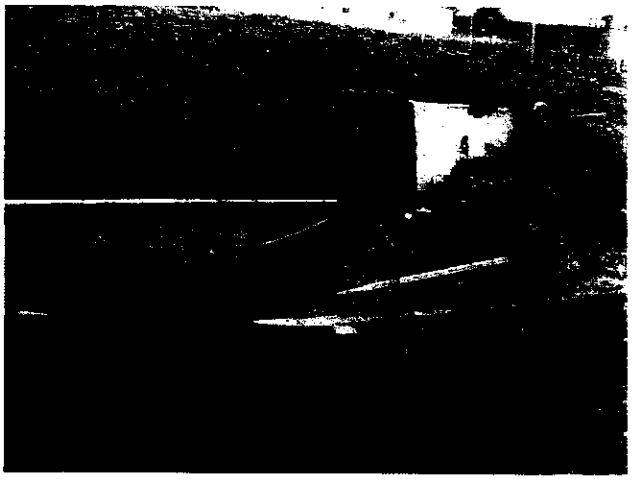
Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Dale Vandersommen, Enginer, City of Lorain
Kevin Farwick, Hammond Construction
Eric Gray, Telamon Construction
Doug Tober, R.E. Warner

WHITTIER MIDDLE SCHOOL
City of Lorain Lorain County
Operator: Lorain City School District and Telamon Construction

Photos Taken: July 8, 2011
By: Dan Bogoevski, DSW, NEDO



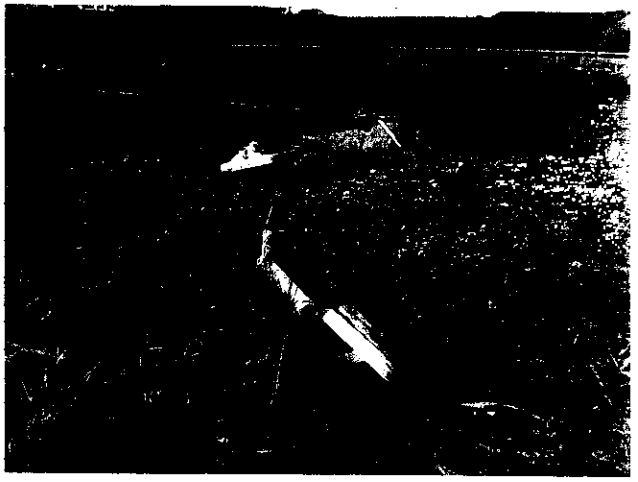


Fig 1 & 2. Runoff accumulating in the detention basin, but not capable of freely draining from it, is being pumped out directly to a storm sewer manhole. The contractor is not using accepted best management practice for dewatering activities.

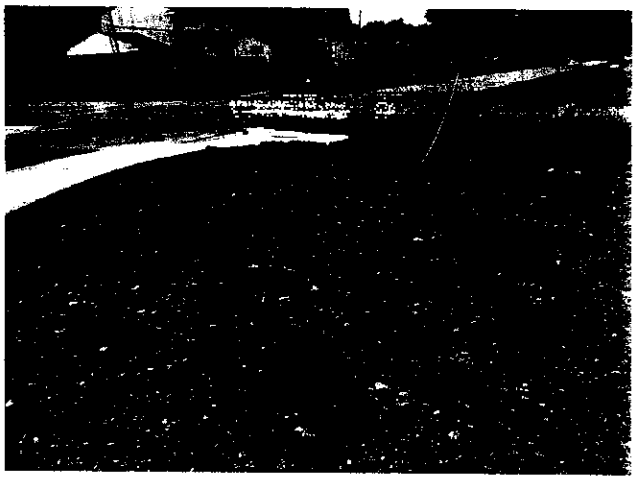


Fig 3 & 4. There is no silt fence where it is needed, e.g., along the entrance off Goble Rd. (LEFT) and the entrance off Fairless Drive (RIGHT).

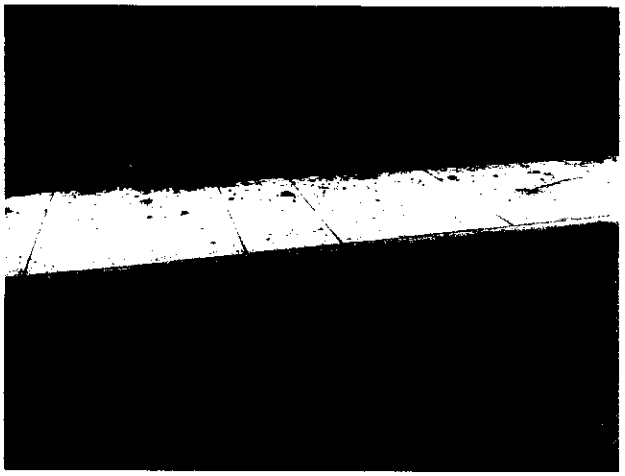


Fig 5 & 6. Storm drain inlet protection is either not installed correctly (RIGHT) or not installed at all (LEFT).

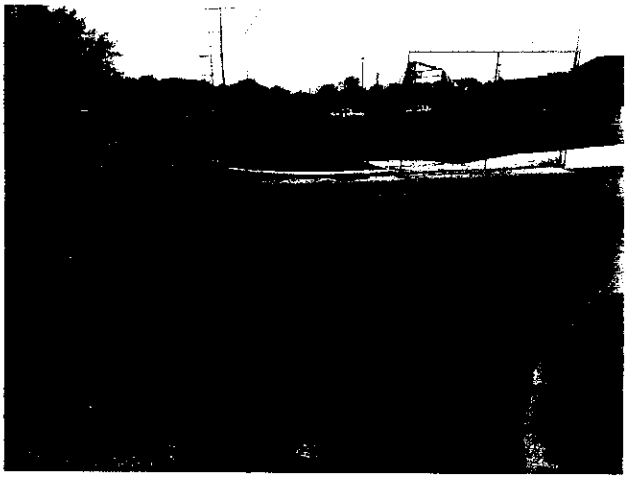
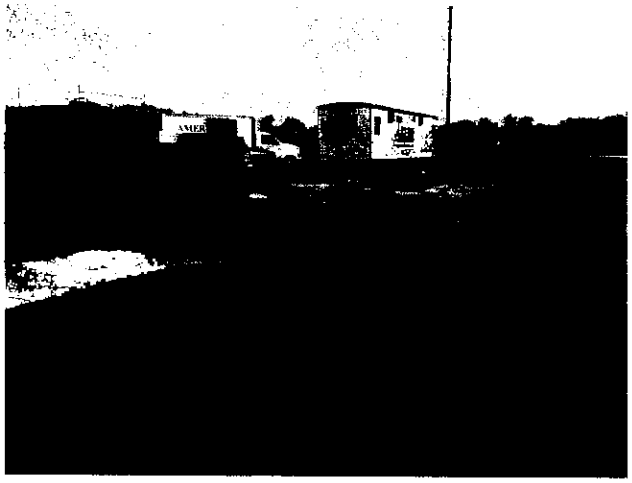


Fig 7 (LEFT). Sediment from saw-cutting is making its way into an unprotected storm drain inlet.

Fig 8 (RIGHT). Off-site tracking of sediment onto Fairless Dr.



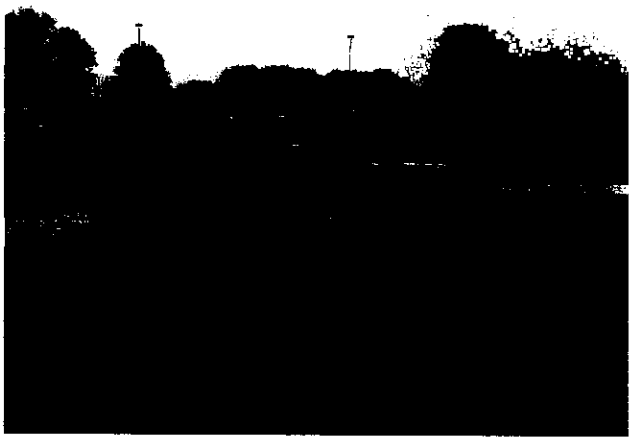


Fig 9-11. Vehicles are driving from disturbed areas onto paved areas, tracking soil onto pavement within the project boundaries. This gets tracked further as vehicles drive off-site. More frequent pavement sweeping and the establishment of interior rock construction entrances is recommended. A wheel wash facility may also be prudent.

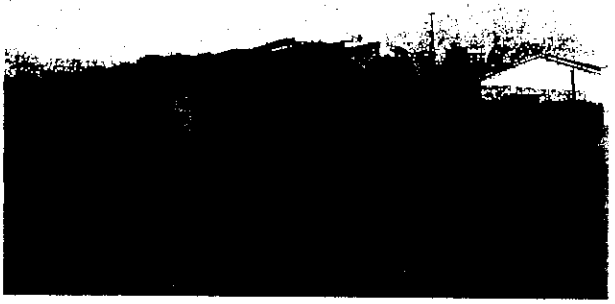


Fig 12. There is no cover over the trash dumpster to prevent the generation and discharge of leachate.