



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 9, 2009

RE: LORAIN COUNTY
BLACK RIVER WATERSHED
CITY OF OBERLIN
EAST COLLEGE STREET

Mr. Ben Ezinga
Sustainable Community Associates Ltd.
138 Hollywood St.
Oberlin, OH 44074

Mr. Carmen Fiorilli
Fiorilli Construction Inc.
1399 East 17th St.
Cleveland, OH 44114

Mr. D. Brian Bontrager
Bontrager Excavating Ltd.
11087 Cleveland Ave., NW
Uniontown, OH 44685

Dear Mr. Ezinga, Mr. Fiorilli and Mr. Bontrager:

On August 18, 2009, I conducted an inspection of storm water best management practices (BMPs) at the above referenced construction site. This inspection was conducted to determine if corrective action had been taken to address the storm water program issues identified in the Notice of Violation dated July 24, 2009. I used the Storm Water Pollution Prevention Plan (SWP3), as amended on June 25, 2009, as my basis of inspection. Our records indicate that all site operators have now obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04211*AG.

My interview with the permittees and site inspection revealed the following concerns remain:

- **Dewatering Riser in Sediment Basin** – The riser pipe installed to dewater the sediment basin does not match the riser depicted in the amended SWP3. Please install the correct riser. The riser depicted in the amended SWP3 is necessary to assure that required dewatering times and volumes are being provided by the sediment basin. In addition, I recommended improvements be made to better direct runoff to the sediment basin. This may include re-grading or installing diversion swales or berms as necessary to collect and convey runoff to the basin.
- **Additional Temporary Stabilization is Required** – Fiorilli Construction indicated that the remainder of the soil stockpile will be on site for longer than 21 days. In addition, the area where the pile sat has been graded and is not expected to be disturbed for 21 days or longer. As such, Fiorilli was instructed to temporarily stabilize all bare areas expected to remain idle for 21 days or longer. Temporary stabilization must be initiated within 7 days of last disturbance.

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- **Off-site Soil Disposal** – The response letter from Bontrager dated August 21, 2009, and the information available on site indicates that excess soil from the East College Street development has been disposed at the following locations:
 - SR 303 (Parcel #14-00-075-000-026), Pittsfield Twp, Lorain Co
 - 4674 Wenz Rd, Clarksfield Twp, Huron Co
 - 45250 Hamilton Rd, New Russia Twp, Lorain Co
 - 46071 Merriam Rd, Pittsfield Twp, Lorain Co
 - 19566 SR 58, Wellington Twp, Lorain Co, and
 - 3561 Downing St., City of Westlake, Cuyahoga Co

With the exception of soil at 45250 Hamilton Rd, Bontrager Excavating states the spoil disposal areas have been seeded and mulched. However, photographs to demonstrate compliance were only provided for 19566 SR 58 and 46071 Merriam Rd. Please provide me with photographs of the spoil disposal areas at the remaining sites. Color photographs are preferred and can be provided via e-mail at dan.bogoevski@epa.ohio.gov. A meeting between Bontrager Excavating and the United States Army Corps of Engineers to determine the course of action for soils disposed at 45250 Hamilton Rd has been tentatively set for September 18, 2009. In the meantime, soils should be temporarily stabilized to control runoff.

Please be aware that the complainant alleges that soil has also been disposed at 45444 East Hamilton Rd, New Russia Twp, Lorain Co. Please provide me with a statement to either confirm or deny this allegation. If soil has been disposed at this address, please provide me with the dates and quantities of soil disposed here and the measures taken to control runoff from these soils.

All other immediate concerns related to the storm water program have been corrected and addressed by the permittees. However, the SWP3 contains BMPs that will need to be implemented as construction progresses. In particular, we discussed the following:

- **Trench and Ground Water Dewatering** – No trench or groundwater dewatering was occurring on the date of inspection, so the correction of this violation could not be observed. However, Fiorilli Construction and Sustainable Community Associates (SCA) stated that all trench and groundwater is dewatered to the sediment basin before it discharges from the site in accordance with the SWP3. **NOTE:** No excavation activity has yet occurred on the south end of 43 East College Street; however the groundwater in this area may have non-sediment pollutant concerns. I reminded the permittees that groundwater encountered in this area (future surface parking lot) must be handled as noted in the note titled "Handling of Non-Sediment Pollutant Sources" on Sheet 42 (SW-7) of the SWP3.
- **Installation of the Rock Construction Entrance at the Rear of 43 East College Street** – The rock construction entrance shown on the amended SWP3 has not been installed because this is not currently being used as an access point to the site. However, the existing pavement has been removed and the storm drain inlet that was previously receiving sediment-laden runoff has been protected. Should it become necessary to use this access point in the future, the rock construction entrance and water bar depicted in the amended SWP3 must be implemented.

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As a reminder, this inspection did not include concerns related to the Division of Hazardous Waste Management (DHWM). DHWM has received information submitted on behalf of SCA, Bontrager Excavating Ltd, and Fiorilli Construction Inc, in response to the July 24, 2009, Notice of Violation (NOV). After reviewing this information, DHWM will issue a separate letter to address the hazardous waste program issues mentioned in the aforementioned NOV and may require additional information to be submitted or actions to be taken by the permittees.

Please provide me with a letter of response, indicating the actions you will take to address the remaining storm water concerns. Your response must be received no later than September 23, 2009.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Shannon Ryan, Ohio EPA, DHWM, NEDO
Natalie Oryshkewych, Ohio EPA, DERR, NEDO
Susan Netzly-Watkins, Ohio EPA, DERR, NEDO
Dianne Kurlich, Ohio EPA, DDGW, NEDO
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Jeff Baumann, Public Works Director, City of Oberlin
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