

**Environmental
Protection Agency**

**Governor
Lt. Governor
Director**

August 4, 2011

RE: MAHONING COUNTY
CITY OF YOUNGSTOWN
SALT SPRING ROAD SPOILS SITE
NPDES PERMIT NO. OHC000003
OHIO EPA PERMIT NO. 3GC05125AG
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Thomas Mirante
City of Youngstown
725 Poland Avenue
Youngstown, OH 44502

Dear Mr. Mirante:

On July 27, 2011, I performed a follow-up inspection at the above-referenced site to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05125*AG. Our records indicate that the City of Youngstown was granted coverage under the NPDES permit on September 30, 2010.

During my inspection, I documented the following violations of the NPDES permit:

1. **Failure to implement the Storm Water Pollution Prevention Plan (SWP3) upon initiation of construction activities.** This is a violation of Part III.B of the NPDES permit. Earth-moving activities have occurred on the site, but not a single erosion or sediment control shown on the SWP3 has been installed (Figures 1-3). Other than activity needed to implement sediment and erosion controls to address current site conditions, do not conduct any further earth-disturbing activities at the site.
2. **Failure to install sediment basins and perimeter sediment barriers prior to grading and within seven day of the start of grubbing.** This is a violation of Part III.G.2.i of the NPDES permit. Sediment controls should be functional throughout the course of earth-moving activities at the site. These controls must be installed immediately.

In your letter dated June 29, 2011, you stated that "the City is required to seek out competitive bids [for the project] by solicitation, which causes some minor delays." However, more than a month has passed since my last inspection, and the issues that I outlined in my June 20 letter still have not been addressed. Furthermore, additional earth-disturbing activity has occurred on the site despite the fact that no sediment or erosion controls are in place. You must immediately cease all earth-moving activities at the site until you have installed all control practices as outlined in the SWP3.

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Please provide me with a letter of response indicating the actions you will take to address the violations noted above. Your response, along with any amendments to the SWP3, must be submitted to the Ohio EPA **no later than August 17, 2011**. If corrective actions are not completed by this date, please include a schedule that outlines when action will be taken. It is Ohio EPA's expectation that all of these violations will be addressed within 10 days of receipt of this letter.

Finally, please fax a copy of your most recent storm water inspection report to my attention at (330) 487-0769 or via e-mail at michelle.hummel@epa.state.oh.us. The NPDES permit requires you to inspect all storm water best management practices once every 7 days and within 24 hours of a 0.5-inch or greater rainfall. The results of these inspections must be documented as indicated in Part III.G.2.i of the NPDES permit.

If you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1128. You may also contact Chris Moody of the Ohio EPA at (330) 963-1118.

Sincerely,



Michelle Hummel
Assistant to the District Engineer
Division of Surface Water

MH:bo

pc: Kedar Bhide, Engineer, City of Youngstown
Charles Shasho, MS4 Program Manager, City of Youngstown
Jay Williams, Mayor, City of Youngstown
Mahoning County SWCD

ec: Chris Moody, DSW, NEDO



Figure 1 – No controls are present to prevent sediment from flowing into the stream.



Figure 2 – No controls are present along the southwest side of the property.



Figure 3 – No controls are in place along the south side of the property.