

**Environmental
Protection Agency**

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

May 10, 2011

RE: MAHONING COUNTY
V & M STAR
NPDES PERMIT NO. OHC000003
OHIO EPA PERMIT NO. 3GC04319*AG
CONSTRUCTION STORM WATER INSPECTION

Mr. Jeff Bindas
V & M Star
2669 Martin Luther King, Jr. Blvd
Youngstown, Ohio 44510

Mr. Chuck Shasho
City of Youngstown - Engineering
5th Floor, City Hall
26 South Phelps Street
Youngstown, Ohio 44503

Dear Mr. Bindas and Mr. Shasho:

On April 25, 2011, Ohio EPA conducted a storm water inspection at V & M Star, located at 2669 Martin Luther King, Jr. Blvd, City of Youngstown, Mahoning County (site). The site was represented by Jeff Bindas, V & M Star; Kolt Codner and Kedar Bhide of the City of Youngstown; Steve Cianciolo and Joseph Mook of Howland Company, LLC; and Jacquelyn Workman of Phi Environmental Consulting. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04319*AG.

Storm Water Inspection

A. V & M Star

- All previous identified deficiencies as detailed within Ohio EPA's March 15, 2011 letter have been addressed;
- Inspection records are being maintained and were reviewed for the dates of April 18, 2011 and April 20, 2011;
- According to Mr. Bindas, the current contractor, Stevens, was to be replaced by Aker on April 29, 2011. Via an email dated May 6, 2011, Mr. Bindas provided that Aker has replaced Stevens and the co-permittee notice of intent (NOI) will be completed by May 13, 2011;
- The dewatering skimmer installed on sediment basin No. 1 did not appear to be functioning correctly as it was impounded by sediment. Mr. Bindas immediately contacted Stevens to implement corrective actions on the impounded dewatering skimmer. Ohio EPA verified that the impounded dewatering skimmer was addressed. In addition, via an April 28, 2011 email Mr. Mook explained that the

inspection forms for the site have been revised to include a separate inspection tab for the dewatering skimmers; and

- The soil stockpile appeared to satisfy the requirements for temporary stabilization. Ms. Workman stated that the soil stockpile area was expected to be relocated in approximately sixty days. According to a May 6, 2011 email provided by Mr. Bindas, the temporary stabilization of the soil stockpile will be postponed as it is anticipated that the soil stockpile is to be relocated in a few weeks. In the event that construction activities associated with the soil stockpile have terminated and the soil stockpile will remain idle for twenty-one days or longer, temporary stabilization must be implemented in accordance with Part III.G.2.b of the General Storm Water Permit.

B. Roger Lindgren Way

- Part III.G.2.d of the General Storm Water Permit requires all sediment best management practices (BMP) to be functional throughout the course of earth disturbing activity. The inspection documented that inlet protection and silt fence were non-functional in numerous locations of the site (figures 1 to 4). Within seven (7) days, all inlet protection and silt fence must be properly re-installed and/or repaired in accordance with the site's storm water pollution prevention plan.

According to inspection records provided within an April 27, 2011 email from Mr. Kedar, inlet protection was documented in the "notes" section as "needing repair" since April 8, 2011. The inspection documented that numerous storm sewer inlets did not have inlet protection installed or had inlet protection that had not been constructed and installed correctly. In addition, inlet protection, as detailed on the April 8, 2011 and April 13, 2011 inspection report findings, was listed with a "W" for "working" despite the "notes" stating "inlet protection needs additional repairing." Training must be provided to the person(s) performing the required storm water inspections in order to complete the inspection forms correctly;

- During the inspection, Mr. Codner and Mr. Bhide explained that the City of Youngstown's contractor, Parella-Pannunzio Inc., is responsible for repairing and maintaining the BMPs. Part II.A of the General Storm Water Permit requires if more than one operator will be engaged at a site, each operator shall seek coverage under the General Storm Water Permit. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required.

After a review of Ohio EPA records, it does not appear that all operators for the site have obtained General Storm Water Permit coverage. Part VII.O of the General Storm Water Permit defines "operator" to mean any party associated with a construction project that meets either of the following two criteria:

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1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

All additional operators of the site must obtain General Storm Water Permit coverage. It appears that Parella-Pannunzio Inc. is an operator of the site and must obtain coverage under the General Storm Water Permit as co-permittees. In order to obtain co-permittee coverage, each additional operator, must submit a "Co-Permittee NOI application form." For your convenience, the "Co-Permittee NOI application form" and the "Co-Permittee NOI application instructions" can be obtained from the following website:

<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>

Ohio EPA will re-inspect the site in approximately two weeks to verify that the site is in compliance with the General Storm Water Permit. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via email at chris.moody@epa.state.oh.us.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/mt

cc: Mayor and Council, City of Youngstown
Parella-Pannunzio Inc.

ec: Jeff Bindas
Joe Mook, Howland Company LLC
Steve Cianciolo, Howland Company LLC
John Pierko, MS Consultants
Brian Hughes, MS Consultants
Jacquelyn Workman, Phi Environmental Consulting
Chuck Shasho



Figure 1 - Inlet protection was not installed in numerous locations of the site and must be installed.



Figure 2 - Inlet protection was not installed in numerous locations of the site and must be installed.



Figure 3 - Inlet protection was not installed in numerous locations of the site and must be installed.



Figure 4 - Silt fence was non-functional in numerous locations of the site and must be repaired.