



**Environmental
Protection Agency**

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

March 15, 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 March 3, 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 Brad Clark, Donald Dunfee, and Eric White of C&K Industrial Services, Inc; Steve Cianciolo and Joseph Mook of Howland Company, LLC; Jacquelyn Workman of Phi Environmental Consulting; Tom Robinson of Stevens, and you. 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

The site inspection documented the following deficiencies of the General Storm Water Permit that must be addressed:

- Part III.B of the General Storm Water Permit requires that the storm water pollution prevention plan (SWP3) must be implemented upon initiation of construction activities. According to sheet "VM1-01-00-07N3-60-006" of the site's SWP3, each of the three sediment basins are depicted to have a dewatering skimmer installed to prevent the discharge of sediment to "surface waters of the State." Sheet "VM1-01-00-07N3-60-008" of the site's SWP3 details the design of the dewatering skimmer. The inspection documented that the dewatering skimmers have not yet been installed. According to a March 10, 2011 Howland Company email to Ohio EPA, the following corrective actions have been and will be performed:

Northeast District Office
2110 East Aurora Road
Twinsburg OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

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1. Pipe Stubs at the outlet structures at each of the three sediment basins have been identified and are currently capped;
 2. Sizing of the Faircloth Skimmers for each of the three sediment basins has been identified as listed in the details on the SWP3 drawings; and
 3. Information has been forward to necessary parties and is being reviewed for costing and installation procedure. A date for estimated installation will be provided as soon as possible.
- Part III.B of the General Storm Water Permit requires that the SWP3 must be implemented upon initiation of construction activities. The inlet protection that is currently installed on the site has not been constructed in accordance with the design details depicted on sheet "VM1-01-00-07N3-60-008." According to a March 10, 2011 Howland Company email to Ohio EPA, the following corrective actions have been performed:
 1. The 2x4 wood frame of the inlet protection has been replaced or modified to comply with the details on the SWP3 drawings;
 2. Geotextile fabric has been installed over the wire mesh backing; and
 3. Straw bales have been added for additional protection.
 - Part III.G.2.g of the General Storm Water Permit requires that no solid or liquid waste, including building materials, shall be discharged in storm water runoff. The permittee must implement all necessary best management practices (BMP) to prevent the discharge of non-sediment pollutants to the drainage system of the site or "surface waters of the State." A stockpile of solid waste materials was observed in Zone 3 south of sediment basin No. 3. Howland Company, LLC stated that the City of Youngstown was responsible for disposing of the solid waste generated for the roadway portion of the site. According to a March 10, 2011 Howland Company email to Ohio EPA, the City of Youngstown's contractor, Parrella Pannunzio, was previously notified to dispose of the solid waste properly. BMPs must be implemented to prevent the potential discharge of pollutants from the stockpiled solid waste. Ohio EPA recommends the use of covered dumpsters be utilized. Please be aware that precipitation that contacts solid waste is considered a leachate and must be managed and disposed of properly.
 - Part III.D of the General Storm Water Permit requires the permittee to amend the SWP3 whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of

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pollutants to "surface waters of the State." According to Howland Company, the concrete washout areas have been relocated in Zones 1 and 2; however, the new locations of the concrete washout areas were not depicted on the SWP3. According to a March 10, 2011 Howland Company email to Ohio EPA, the SWP3 has been revised to depict the locations of the new concrete washout areas and additional BMP modifications that have been implemented at the site.

Co-Permittee Status

Part II.A of the General Storm Water Permit requires that 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 a Notice of Intent (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:

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 the City of Youngstown, Howland Company, LLC and Stevens are operators 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, I have enclosed a copy of the "Co-Permittee NOI application form" and the "Co-Permittee NOI application instructions." Additional copies can be obtained from the following website:

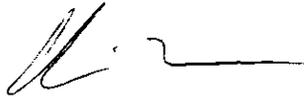
<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>

Please provide an approximate date for installing the dewatering skimmers on the three sediment basins. All additional operators of the site must submit complete and submit

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the "Co-Permittee NOI application forms" to Ohio EPA in accordance with the "Co-Permittee NOI application instructions." 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

Enclosures

cc: Mayor and Council, City of Youngstown

ec: Jeff Bindas
Eric White, C&K Industrial Services, Inc
Brad Clark, C&K Industrial Services, Inc
Donald Dunfee, C&K Industrial Services, Inc.
Joe Mook, Howland Company LLC
Steve Cianciolo, Howland Company LLC
Edward Janoviak
John Pierko, MS Consultants
Brian Hughes, MS Consultants
Jacquelyn Workman, Phi Environmental Consulting
Tom Robinson, Stevens
Chuck Shasho