



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 1, 2009

RE: MEDINA COUNTY
ROCKY RIVER BASIN
MONTVILLE TOWNSHIP
HEALTH CENTER AT LAKE MEDINA

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Alan Gribble
Signet Healthcare
75 East Market Street
Akron, Ohio 44308

Dear Mr. Gribble:

On August 17, 2009, Ohio EPA conducted an inspection of the Health Center at Lake Medina, located at 3780 Medina Road, Montville Township/City of Medina, Medina County (site). 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. 3GC04327*AG. The violations documented during the inspection were discussed with Brett Bauer, Superintendent, of Welty Building Company, Ltd. The inspection documented the following violations that must be addressed:

Site Inspection

- Failure to implement the site's storm water pollution prevention plan (SWP3) upon initiation of construction activities. According to Drawing No. 15 of the SWP3, the construction sequence has not been complied with as item No. 11, grading activities (Figure 1), are currently being performed despite item Nos. 7 and 8, sediment best management practice (BMP) installation, not being installed. **Failure to implement the site's SWP3 constitutes violations of Ohio Revised Code (ORC) Chapter 6111 and Part III.B. of the General Storm Water Permit;**
- Failure to implement sediment basins prior to grading and within seven days from the start of grubbing. According to Drawing No. 15 of the SWP3, the construction sequence has not been complied with as item No. 11, grading activities, are currently being performed despite item Nos. 7 and 8, sediment best management practice (BMP) installation, not being installed. **Failure to implement the site's SWP3 constitutes violations of ORC Chapter 6111 and Part III.G.2.i. of the General Storm Water Permit;**
- Failure to utilize sediment settling ponds (i.e. sediment settling basins and temporary sediment traps) when the following conditions occur on site:
 1. Concentrated storm water runoff (e.g., ravine); and
 2. Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers.

Runoff from areas of the site where these two conditions occur must be treated via sediment settling ponds. Diversion channels have been constructed to direct sediment-laden runoff to silt fence that is failing (Figure 2), which has resulted in significant sediment deposition within "waters of the state". **Failure to utilize sediment settling ponds constitutes violations of ORC Chapter 6111 and Part III.G.2.d.ii. of the General Storm Water Permit.**

- Failure to protect "waters of the state". Part III.G.2.d.v. of the General Storm Water Permit requires that "if construction activities disturb areas adjacent to surface waters of the State, structural practices shall be designed and implemented on site to protect all adjacent surface waters of the State from the impacts of sediment runoff." Significant amounts of sediment have been deposited within "waters of the state" due to the installation of improper sediment BMPs and noncompliance with the construction sequence detailed within Drawing No. 15 of the SWP3 (Figure 3). **Failure to protect "waters of the state" constitutes violations of ORC Chapter 6111 and Part III.G.2.d.v. of the General Storm Water Permit.**
- Failure to maintain sediment BMPs. Drawing No. 15 of the SWP3 details how silt fence is to be installed and maintained. Silt fence was not properly trenched into the ground and backfilled (Figure 4). In addition, the ends of silt fence sections were not wound together (Figure 5) and many sections were buried by fill materials (Figure 6). The majority of the site did not have functioning erosion and sediment BMPs, which has resulted in the significant deposition of sediment within "waters of the state" (Figures 7 to 8). Drawing No. 15 of the SWP3 states "sediment barriers such as sediment fence or diversions to settling facilities shall protect adjacent properties and water resources from sediment transported by sheet flow." **Failure to maintain sediment control structures during the course of earth disturbing activities constitute violations of ORC Chapter 6111 and Part III.G.2.d.i. of the General Storm Water Permit.**
- Failure to minimize off-site tracking via dust generation. Dust control BMPs (i.e. watering) must be implemented to minimize off-site transport of pollutants from dust generation (Figure 1). **Failure to minimize dust generation constitutes violations of ORC Chapter 6111 and Part III.G.2.g.ii. of the General Storm Water Permit.**
- Failure to perform required site inspections. Part III.G.2.i. of the General Storm Water Permit requires all erosion and sediment BMPs to be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The required inspections are not occurring. In addition, Part III.G.2.i. of the General Storm Water Permit requires inspection reports to be maintained that include the following conditions:
 1. The inspection date;
 2. Names, titles, and qualifications of personnel making the inspection;
 3. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;

4. Weather information and a description of any discharges occurring at the time of the inspection;
5. Location(s) of discharges of sediment or other pollutants from the site;
6. Location(s) of BMPs that need to be maintained;
7. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
8. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
9. Corrective action required including any changes to the SWP3 necessary and implementation dates.

Failure to perform site inspections and maintain inspection reports constitute violations of ORC Chapter 6111 and Part III.G.2.i. of the General Storm Water Permit.

Part III.G.2.i. of the General Storm Water permit requires all sediment BMPs that require repair or maintenance, fail to perform their intended function, or have not been installed according to the SWP3 be addressed within ten days of the date of the inspection.

SWP3 Review

Ohio EPA received a copy of the site's SWP3 via an August 26, 2009 e-mail from Aaron Heydinger of Advanced Civil Design. After reviewing the SWP3, the following SWP3 deficiencies must be addressed:

- Part III.G.1.c. of the General Storm Water Permit requires an estimate of the impervious area and percent imperviousness created by the construction activity. This information does not appear to have been provided.
- Part III.G.1.d. of the General Storm Water Permit requires existing data describing the soil and, if available, the quality of any discharge from the site. This information does not appear to have been provided.
- Part III.G.1.f. of the General Storm Water Permit requires a description of prior land uses at the site. This information does not appear to have been provided.
- Part III.G.1.g. of the General Storm Water Permit requires an implementation schedule. This information must be updated as the original implementation schedule was not complied with.
- Part III.G.1.m. of the General Storm Water Permit requires a log documenting grading and stabilization activities. This information does not appear to have been provided;
- Part III.G.1.n. of the General Storm Water Permit requires a map to include the following:
 1. Soil types depicted for all areas of the site, including locations of unstable or highly erodible soils. This information does not appear to have been provided; and

2. Surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site. Some of this information has been provided; however there are portions of the site on the SWP3 that do not satisfy this requirement.
- Drawing No. 13 of the SWP3 depicts silt fence and reinforced silt fence to be installed in locations of the site where concentrated storm water runoff (e.g., ravine), drainage areas exceed the design capacity of silt fence, and where runoff from common drainage locations with 10 or more acres of disturbed land. Sediment settling ponds (i.e. sediment basins or temporary sediment traps) are required to be depicted and utilized in these locations.
 - Drawing No. 15 of the SWP3 establishes "temporary seeding" and "permanent seeding" specifications, which do not satisfy the erosion control requirements for temporary and permanent stabilization established within Part III.G.2.b.i. of the General Storm Water Permit.
 - Part III.G.2.d.ii. of the General Storm Water Permit requires the configuration between inlets and the outlet of the basin to provide at least two units of length for each one unit of width (> 2:1 length : width ratio). According to Drawing No. 13 of the SWP3, sediment Basin 4 (i.e. diversion dike) does not appear to satisfy this condition.
 - The site's SWP3 does not detail what BMPs will be utilized to minimize dust generation.
 - The site's SWP3 does not establish an inspection schedule that details all erosion and sediment BMPs on the site are to be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period.
 - The site's SWP3 does not provide the water quality volume calculations utilized for the design of all post-construction storm water management BMPs (water quality basins and rain gardens).
 - The drainage areas associated with Drawing No. 13 of the SWP3 do not agree with the tributary acreages associated with Drawing No. 17 of the SWP3:

Sediment Basin No.	Drawing No. 13 Drainage Area (Acres)	Drawing No. 17 Drainage Area (Acres)
1	10.16	10.79
2	1.16	1.64
3	1.51	2.79
4	2.59	3.89

Clarification is required. The drainage areas associated with all of the sediment basins must be revised and clearly depicted on the SWP3.

- The contributing drainage areas associated with sediment basins No. 1 and 2 appear to be incorrect as the grade break for sediment basin No. 1 goes through a portion of sediment basin No. 2. The contributing drainage areas and acreage associated with sediment basins No. 1 and 2 must be revised.
- Sediment basin No. 4, located on Drawing No. 15 of the SWP3, does not appear to account for the off-site drainage resulting from the storm culvert placed under the mound proposed in the western portion of the site. The contributing drainage areas and acreage associated with all of the post-construction storm water management BMPs must be clearly depicted.
- The outlet protection depicted at EW8 from sediment basin No. 2 must be extended down the embankment to prevent erosion of the slope from occurring.
- Catch basin No. 21 is directed to discharge into the 150 foot rain garden. Unfortunately, this rain garden will also receive the discharges from the ex. pond / sediment basin No.1 and sediment basin No. 2. The drainage area associated with catch basin No. 21's post-construction storm water management BMP must be sized correctly to accommodate the water quality volume for the entire drainage area it receives. Currently, the rain garden is not sized to accommodate the discharges from catch basin No. 21, ex. pond / sediment basin No.1, and sediment basin No. 2.
- Drawing No. 4 of the SWP3 details that the rain garden emergency spillways (i.e. overflow structures) will be installed on the embankment. Placing the spillways in this location will increase the potential for the rain garden's embankment to fail. The emergency spillways (i.e. overflow structure) must be relocated to the center of each rain garden.
- A copy of the site's post-construction storm water management BMP maintenance plan must be submitted. At a minimum, the post-construction storm water management BMP maintenance plan must include the following:
 1. A designated entity for storm water inspection and maintenance responsibilities;
 2. The routine and non-routine maintenance tasks to be undertaken;
 3. A schedule for inspection and maintenance;
 4. Any necessary legally binding maintenance easements and agreements; and
 5. A map showing all access and maintenance easements.

Part III.C.3 of the General Storm Water Permit requires that "within 10 days after such notification from the director (or as otherwise provided in the notification) or authorized representative, the permittee shall make the required changes to the SWP3 and, if requested, shall submit to Ohio EPA the revised SWP3 or a written certification that the requested changes have been made."

Wetland / Stream Impacts

According to Drawing No. 6 of the SWP3, an isolated wetland (Coded Note "J") and numerous portions of on-site streams (Coded Note "H") are to be impacted via fill placement. The SWP3

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states that the contractor shall not perform any work to the wetland or streams until all local, state and federal permits are obtained. It appears streams have been impacted by fill placement activities that have not been authorized via the Nationwide 39 permit (No. 2008-01406) issued by the U.S. Army Corps of Engineers (USCOE). This matter has been forwarded to the USCOE and Ohio EPA's 401 Section for resolution.

Due the significant amount of sediment that has been deposited within "waters of the state," a restoration plan must be submitted to Ohio EPA for review that details what corrective actions will be selected and implemented to address the unauthorized impacts (i.e. sediment deposition and loss of quality) to Wetland 1 and Wetland 7, located east of the site and south of the site, respectively. The restoration plan requires approval from Ohio EPA's 401 Section prior to implementation.

Should you have any questions regarding the restoration plan, please contact Lauren McEleney, Ohio EPA's 401 Section, at (614) 644-2865. For your convenience, Mark Gronceski, USCOE, can be contacted at (440) 437-5847.

Within ten days of receiving this NOV, you must provide me a written response as to how the violations, detailed above, will be addressed. Failure to address the violations will result in the site being pursued via formal enforcement. This NOV also serves to request a copy of the site's revised SWP3 to be submitted to me for review. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118. I will re-inspect this site in ten days to determine if the site has achieved compliance with the site's General Storm Water Permit and ORC Chapter 6111.

Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM/mt

cc: Jane Leaver, Mayor, City of Medina
Mike Salay, Medina County Highway Engineers
Brent Bauer, Welty Building Company, Ltd
Aaron Heydinger, Advanced Civil Design
Fetchko Excavating, Inc.

ec: Laruen McEleney, Ohio EPA 401 Section
Mark Gronceski, USCOE

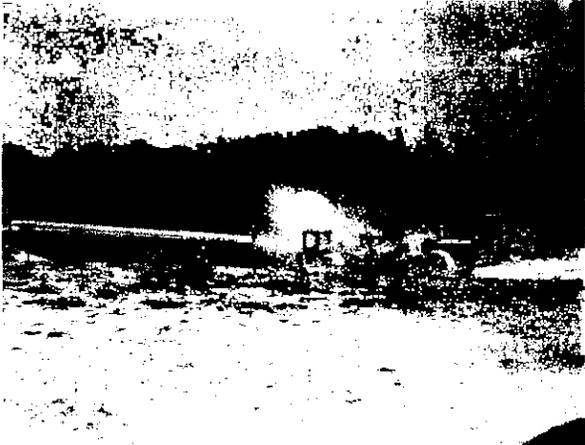


Figure 1 – Grading activities are currently being performed without sediment settling ponds installed.

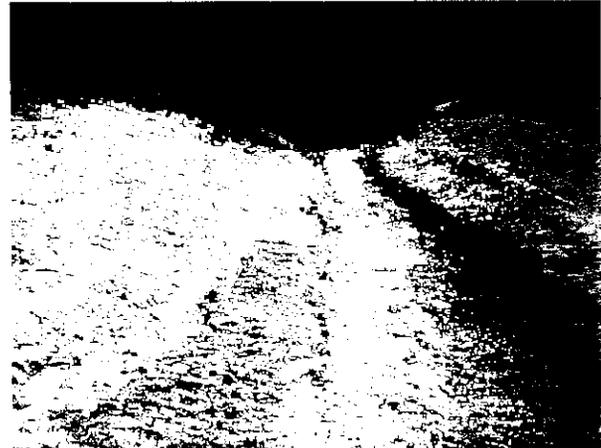


Figure 2 – Diversion channels have been constructed to direct sediment-laden runoff to silt fence that is failing.



Figure 3 – Significant amounts of sediment have been deposited within "waters of the state".



Figure 4 – Silt fence was not properly installed and backfilled.



Figure 5 - The ends of silt fence sections were not wound together.



Figure 6 - Many sections of silt fence were buried by fill placement.



Figure 7 - The majority of the site did not have functioning erosion and sediment BMPs which has resulted in the significant deposition of sediment within "waters of the state".



Figure 8 - The majority of the site did not have functioning erosion and sediment BMPs which has resulted in the significant deposition of sediment within "waters of the state".

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ALAN GRIBBLE
 SIGNET HEALTHCARE
 75 EAST MARKET STREET
 AKRON OH 44308

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 Pat Lansen Addressee

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