



Environmental
Protection Agency

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

May 20, 2011

RE: Medina County
Montville Township
Smith Bros Inc. Bark Mulch &
Landscaping Products
NPDES Permit No: OHC000003
Ohio EPA Permit No: 3GC05140*AG
Construction Storm Water Inspection

NOTICE OF VIOLATION

Mr. Jeremy Smith
Rocky River Reserve LLC
7677 Spieth Road
Medina, OH 44256

Dear Mr. Smith:

On May 11, 2011, Ohio EPA performed an inspection on the property located on Wooster Pike Road west of Paradise Road in Montville Township, Medina County. 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. 3GC05140*AG.

Storm Water Pollution Prevention Plan (SWP3)

- Via a Notice of Violation (NOV) letter dated April 20, 2011, Ohio EPA notified you of violations of the General Storm Water Permit. In addition, the NOV required you to submit (1) a written report detailing the corrective actions that were implemented to address the violations documented within the NOV and (2) an SWP3 that was developed for the site.

Failure to submit information that is necessary to determine compliance with the General Storm Water Permit constitutes violations of Ohio Revised Code (ORC) Chapter 6111 and Part V.E of the General Storm Water Permit.

Failure to submit a copy of the site's SWP3 to Ohio EPA within ten days of a written request constitutes violations of ORC Chapter 6111 and Part III.C.2.b.i of the General Storm Water Permit.

Storm Water Inspection

Ohio EPA's site inspection determined the following violations:

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

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

- Part III.G.2.d.iii of the General Storm Water Permit requires that “sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow.” The portion of the site immediately west of the soil stockpile area discharges directly into the neighboring property and ultimately into “surface waters of the State” (Figure 1). A diversion channel must be installed to direct storm water to the sediment settling pond.

Failure to direct sediment-laden runoff to a best management practice (BMP) constitutes violations of ORC Chapter 6111 and Part III.G.2.d.iii of the General Storm Water Permit;

- Part III.G.2.b.ii of the General Storm Water Permit requires that “operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows.” No BMPs have been installed to prevent erosion from occurring within the newly constructed channel of a possible onsite tributary of Chippewa Creek (Figure 2). Ohio EPA recommends that seeding and mulching or erosion control matting be installed.

Failure to implement BMPs within the newly constructed channel of a possible onsite tributary of Chippewa Creek constitutes violations of ORC Chapter 6111 and Part III.G.2.b.ii of the General Storm Water Permit;

- 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.” Portions of the site drain sediment-laden runoff directly to a possible onsite tributary of Chippewa Creek. BMPs must be installed to prevent the discharge of pollutants to “surface waters of the State” (Figure 3). Sediment was observed within the possible onsite tributary of Chippewa Creek. Ohio EPA recommends that silt fence and temporary sediment traps be installed along the embankments of the possible onsite tributary of Chippewa Creek.

Failure to implement BMPs to prevent the discharge of pollutants to the possible onsite tributary of Chippewa Creek constitutes violations of ORC Chapter 6111 and Part III.G.2.d.v of the General Storm Water Permit;

- Part III.G.2.d.i of the General Storm Water Permit requires sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing and shall continue to function until the up slope development area is re-stabilized. The silt fence that has been installed on the site requires maintenance (Figure 4).

Mr. Jeremy Smith
Smith Bros Inc. Bark Mulch & Landscaping Products
May 20, 2011
Page 3

Failure to maintain BMPs in a functional state constitutes violations of ORC Chapter 6111 and Part III.G.2.d.i of the General Storm Water Permit; and

- Part III.G.2.b.i of the General Storm Water Permit requires temporary stabilization to be performed within seven days of the last disturbance on any portion of the site that is to remain idle for twenty-one days or longer. In addition, any portion of the site that is to remain idles for twenty-one days or longer and is located within the fifty feet of the possible onsite tributary of Chippewa Creek must be temporary stabilized within two days of the last disturbance. Many areas of the site appear to satisfy these requirements and must be temporary stabilized.

Failure to temporarily stabilize areas of the site that have remained idle for twenty-one days or longer constitutes violations of ORC Chapter 6111 and Part III.G.2.d.i of the General Storm Water Permit.

A written report detailing what corrective actions have been implemented to address the violations, detailed above, must be submitted to my attention by June 3, 2011. Ohio EPA formally requests a copy of the site's SWP3 be submitted within ten (10) days of receiving this notice of violation for review. The site's SWP3 must satisfy the requirements established within Part III.G of the General Storm Water Permit. **Failure to correct the violations and submit the requested information may result in the site being pursued via formal enforcement.** 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.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/mt

cc: Dan Metz, Storm Water Technician, Medina County Highway Engineers



Figure 1 - The soil stockpile area discharges directly into the neighboring property and ultimately into "surface waters of the State."



Figure 2 - No BMPs have been installed to prevent erosion from occurring within the newly constructed channel of a possible onsite tributary of Chippewa Creek.



Figure 3 - BMPs must be installed to prevent the discharge of pollutants to "surface waters of the State."

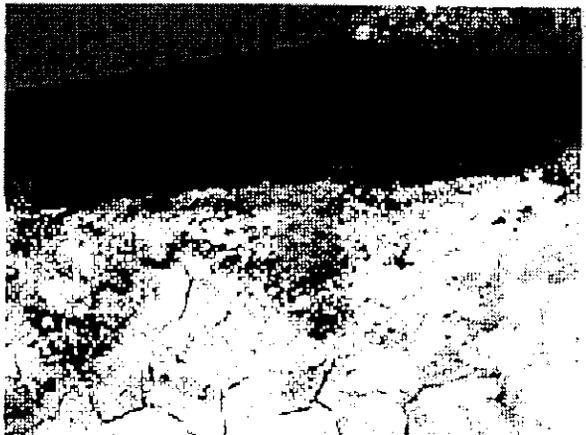


Figure 4 - The silt fence that has been installed on the site requires maintenance.