



Environmental
Protection Agency

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

June 27, 2011

RE: PORTAGE COUNTY
CITY OF AURORA
SUNNY LAKE PARK SANITARY PUMP STATION
CONSTRUCTION STORM WATER

Mr. Brandon Flesher
Mr. Excavator Inc.
8616 Euclid-Chardon Road
Kirtland, OH 44094

Dear Mr. Flesher:

On June 7, 2011, I, along with John Trew of the City of Aurora, performed an 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 #3GC04469*AG. Our records indicate that the City of Aurora was granted coverage under the NPDES permit on May 7, 2009. However, our records further indicate that Mr. Excavator Inc. has not submitted a Co-Permittee Notice of Intent (Co-Permittee NOI). **This is a violation of Part I.E of the NPDES permit for failure to obtain NPDES permit coverage.** This violation is specific to Mr. Excavator Inc. All parties that meet the definition of operator are required to obtain NPDES permit coverage. The definition of "operator" in the NPDES permit includes the party that manages the day-to-day operations at the construction site. It is our understanding that Mr. Excavator Inc. meets the definition of operator. To obtain NPDES permit coverage, Mr. Excavator Inc. must submit a Co-Permittee NOI to Ohio EPA. The Co-Permittee NOI was to be submitted by Mr. Excavator Inc. prior to the start of construction activities. The form and instructions can be downloaded from our website at www.epa.ohio.gov/dsw/storm/stormform.aspx. There is no fee to file the form.

During my inspection, I documented the following deficiencies:

1. No sediment or erosion controls are present on the site, and sediment-laden water is entering the nearby lake (Figures 1 - 3). Mr. Trew indicated that the project had been completed, but that it was then determined that further work was needed on the underground pipes, leading to the recommencement of earth-moving activities. Since these activities are still occurring on site, you must maintain proper controls to prevent the runoff of sediment into waterways.
2. No inlet protection is present on the storm drains along the roadway, where bare soil exists (Figures 4 and 5). As stated in the NPDES permit, control practices must be utilized to minimize the amount of sediment that enters storm drains.

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3. Bare soil is present, most noticeably along the road in front of Sunny Lake Park (Figures 6 and 7). If you will not be conducting further construction activities in this area within the next 21 days, you must temporarily stabilize this soil within seven days of the last earth-moving activity. If the project is complete, you must permanently stabilize the area within seven days of reaching final grade.

Please provide me with a letter of response indicating the actions you will take to address the deficiencies noted above. Your response, along with any amendments to the Storm Water Pollution Prevention Plan (SWP3), must be submitted to the Ohio EPA **no later than July 7, 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 deficiencies 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.

Sincerely,



Michelle Hummel
Assistant to the District Engineer
Division of Surface Water

MH/mt

cc: Justin Czekaj, Engineer, City of Aurora
John Trew, MS4 Program Manager, City of Aurora
Lynn McGill, Mayor, City of Aurora
Portage County SWCD

cc: Phil Rhodes, Ohio EPA, NEDO, DSW

Sunny Lake Sanitary Pump Station
City of Aurora Portage County

Photos Taken: June 7, 2011
By: Michelle Hummel, DSW, NEDO



Figure 1 – Sediment-laden water is present, but no sediment or erosion controls are in place.



Figure 2 – Sediment-laden water is entering a gully, which leads to the lake.



Figure 3 – Sediment-laden water is entering the lake.

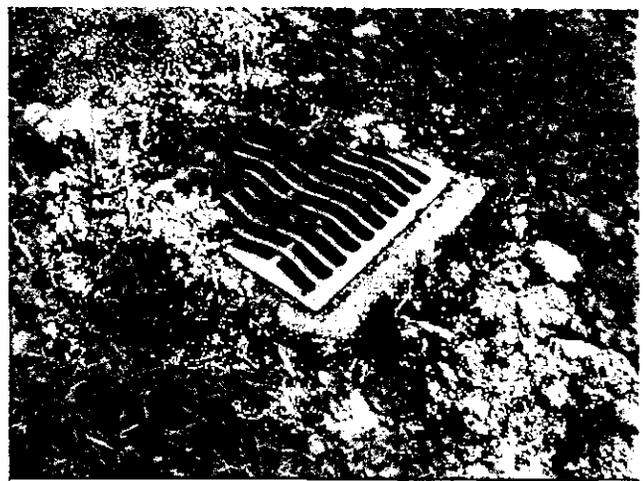


Figure 4 – No inlet protection is present.



Figure 5 – No inlet protection is present.



Figure 6 – The area along the road lacks stabilization.

Sunny Lake Sanitary Pump Station
City of Aurora Portage County

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Figure 7 – The soil lacks stabilization.