



Environmental  
Protection Agency

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

Re: Erie County  
Paper District Marina Park/City of  
Sandusky  
Construction/MS4  
Storm Water

May 20, 2011

Mr. Todd Roth  
City of Sandusky  
222 Meigs Street  
Sandusky, Ohio 44870

Mr. Todd Hart  
Hoty Builders, LLC.  
4918 Milan Road  
Sandusky, Ohio 44870

Mr. Tom Murowsky  
Shoreline Contractors, Inc.  
28045 Clemens Road  
Suite B  
Westlake, Ohio 44145

Mr. Paul Miller  
Haynes Construction  
3130 State Route 18  
Norwalk, Ohio 44857

Dear Sirs:

On April 29, 2011, I inspected the Paper District Marina Park, located on the north side of Shoreline Drive, opposite Decatur and Fulton Streets, Sandusky. The site currently has coverage under the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity (Construction General Permit, or CGP), Facility ID No. 2GC02693. Hoty Builders, Shoreline Contractors, and Haynes Construction are Co-Permittees with the City of Sandusky on this project. The inspection also served to evaluate the City's progress in implementing the Pollution Prevention for Municipal Operations Minimum Control Measure of the NPDES permit for storm water discharges from the Municipal Separate Storm Sewer System (Small MS4 General Permit), Facility ID No. 2GQ00027.

Mr. Todd Roth  
Mr. Todd Hart  
Mr. Tom Murowsky  
Mr. Paul Miller  
May 20, 2011  
Page 2

At the time of my visit, Angelo Hoty (Construction Manager) and De'shay Jones (Site Superintendent), of Hoty Builders, were present to provide information on the project. Storm sewers had been installed. The parking lot was paved but needed its final course of asphalt. The Bath House had been constructed and interior work was occurring. Docks were in place. On the west side of the site, equipment was grading to create an access drive for the breakwall. An excavator was sitting idle north of the Bath House. The concrete stage had not been poured and developers still intended to install a sidewalk west of the stage.

As a result of this visit, I have the following comments:

1. A copy of the Storm Water Pollution Prevention Plans and the inspection logs were available onsite. A general overview of the SWP3 indicated some deficiencies, such as the site map did not show the current location of all sediment and erosion controls (which areas had been seeded, the current locations of silt fence) and drainage areas were not delineated on the site map with their contributing drainage area (in acres) shown. This information is a required component of the site's SWP3. *This is a violation of Part III.G. of the permit.*
2. Inspection logs were not adequate. Inspections were not always conducted at the required frequency. There was a gap from August 11, 2010, to August 23, 2010. Inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. Also the inspection logs did not contain all the required information. Observations for each outfall, the certification statements and signatures required under Part V.G. were absent. There were no notes about material storage areas. The inspection logs noted BMP#1, BMP #2, etc., but there was no reference note or map to show what these BMPs were or where they were located. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include: inspector name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with Part V.G. of the permit. *This is a violation of Part III. G.2.i. of the permit.*
3. The permit also requires that a log documenting grading and stabilization activities, as well as amendments to the SWP3, be maintained (see Part III.G.1.m. of the permit). Hoty kept a site activity log, a narrative which recorded which contractors were onsite, the weather, and what work was performed.

Mr. Todd Roth  
Mr. Todd Hart  
Mr. Tom Murowsky  
Mr. Paul Miller  
May 20, 2011  
Page 3

The logs referenced large sections (multiple acres) of the site. I discussed with De'shay Jones that stabilization is required on any idle portion of the site, including a stockpile as small as a car, which may get overlooked when the activity notes are broad. To stay in compliance with the stabilization requirements, I recommend that a site map be used to more accurately delineate work areas and mark the related dates.

4. Dirt had been tracked into the street on the west side of the site. This needed to be addressed. *This is a violation of Part III.G.2.g.ii of the permit.*
5. Silt fence had been installed on the south side of the site. There were no sediment controls between Sandusky Bay and the bare soil for the breakwall access drive on the west side of the site and between bare soil and the west side of the marina. *Permit Requires: Sheet flow from denuded areas shall be intercepted by sediment barriers. This is a violation of Pars III.G.2.d.iii. of the permit. Please insure that all required sediment controls have been installed.*
6. Catch basin inlet protection was installed incorrectly. For example, in the parking lot the grates were wrapped with filter fabric. For the yard inlets, the inlet protection lacked lateral support. Neither of these installation methods meet the standards of ODNR's Rain Water and Land Development Manual or are accepted by Ohio EPA. Due to the status of the project (vast majority of the earthwork had been completed and grass had germinated within the drainage area of these catch basins), I don't recommend reinstalling inlet protection at this time. Maintenance should suffice. However, under the City's MS4 permit, **Sandusky is required by June 17, 2011, to ensure their sediment and erosion control program meets the technical requirements of the current Ohio EPA Construction General Permit. In the future, the City's plan review and site inspection procedures should not allow these practices.** *Permit Requires: All erosion and sediment control practices used to meet the conditions of this permit should meet the standards and specifications of the current edition of Ohio's Rainwater and Land Development Manual (ODNR) or other standards acceptable to Ohio EPA. This is a violation of Part III.G.2. of the permit.*
7. Silt fence along the street was in disrepair (fallen down, fabric not entrenched 4 to 6 inches, etc.). This needs to be fixed. *Permit Requires: All control practices shall be maintained and repaired as needed to assure continued performance of their intended function. This is a violation of Part III.G.2.h. of the permit.*

Mr. Todd Roth  
Mr. Todd Hart  
Mr. Tom Murowsky  
Mr. Paul Miller  
May 20, 2011  
Page 4

8. There were numerous locations with rills where the seeding had washed out. The landscaper was onsite at the time with Mr. Hoty discussing repairs/reseeding. Please make sure these areas are repaired. Also, for those areas that have not yet been seeded. Please keep in mind that stabilization must be applied within two (2) days on any areas within 50 feet of a surface water. *See Part III.G.2.b.i. of the permit.*
9. The permit requires that permanent post construction storm water management facilities be installed. It was not evident on the SWP3 and the onsite staff was not aware how this requirement had been met. Under the conditions of the permit, the Paper District Marina Park is required to have one or more of the permanent structural post-construction Best Management Practices (BMPs) listed in Table 2 of the permit installed to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards listed in Ohio Administrative Code 3745-1. An additional volume equal to 20% of the WQv is to be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. Drain times must meet those in Table 2 of the permit.

Please submit information demonstrating how the post construction storm water management requirement will be met within 10 days of the date on this letter. Your reply should include a statement about the type(s) of BMPs implemented, a site map showing the location of each practice, a delineation of its tributary drainage area and its size, and the basis for its design. For each control include: the calculations of the Water Quality Volume (WQv), a detail drawing of the structure with relevant elevations, stage-storage tables, and release rate calculations. Runoff coefficients must be based on those contained in Table 1 of the permit. If a weighted runoff coefficient is being used, include supporting calculations. Your reply must address how the Post-Construction requirement will be met for all disturbed areas.

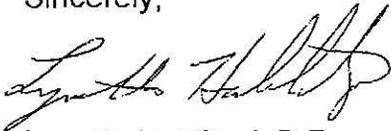
10. Under the City's Small MS4 General Permit, the City must develop and implement a Storm Water Management Program (SWMP) to control the discharge of pollutants to waters of the state from municipal operations, including construction. The City's SWMP appears to be deficient as it does not describe how contractual staff performing activities for the City are required to consider storm water quality and implement appropriate BMPs. Also, considering the compliance issues on this site, there appear to be deficiencies in implementing the SWMP. *These are violations of Part III.B.4 of the permit.* I have the following recommendations:

Mr. Todd Roth  
Mr. Todd Hart  
Mr. Tom Murowsky  
Mr. Paul Miller  
May 20, 2011  
Page 5

- a. Please be sure to have bid requests/contract language/agreements which specify that storm water BMPs must be implemented by the third party when hiring third party service providers whose activities can create storm water pollution. The contractor should be held accountable to comply with the storm water requirements of the City.
- b. When contracted planners and engineers are used for the design of MS4-owned projects, please be sure that the contract language specifies that storm water BMPs be incorporated into the design.
- c. When contracted inspectors are utilized, agreements should specify minimum inspection, maintenance and reporting requirements.
- d. Periodic inspection of third party operations/services is also suggested, to insure they are consistent with the contract and with the City's standards.

Within 10 days of the date on this letter, please submit to this office a **written response** to the above comments. Your reply should describe the actions taken or proposed to prevent any future violations, including dates for the completion of the actions. If there are any questions, please contact me at (419) 373-3009.

Sincerely,



Lynette Hablitzel, P.E.  
Division of Surface Water  
Storm Water Program

/llr

pc: ~~DSW:NWDO.File~~  
Crystal Dymond, Erie Soil & Water Conservation District

ec: Jason Fyffe, CO-DSW