

**Environmental
Protection Agency**

**Governor
Lt. Governor
Director**

August 4, 2011

RE: STARK COUNTY
CITY OF ALLIANCE
DLW VENTURES LLC
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Doug Wonner
Hettler Engineering LLC
1225 N Main Street Suite A
North Canton, OH 44720

and

John Alexander
PAGS Excavating Inc
141 Homeworth Road
Alliance, OH 44601

Dear Mr. Wonner and Mr. Alexander:

On August 2, 2011, I, along with Julie Berbari of the Stark Soil & Water Conservation District (SWCD), performed a follow-up 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 #3GC05209*AG. Our records indicate that Hettler Engineering LLC was granted coverage under the NPDES permit on December 9, 2010. Our records further indicate that PAGS Excavating Inc. submitted a Co-Permittee Notice of Intent on April 7, 2011.

Since my last inspection, I documented the following violation:

1. **Failure to respond to an Ohio EPA letter within the mandated time frame.** You neglected to submit a response to my last letter, dated July 18, 2011, and the issues outlined in that letter have not been addressed.

During my inspection, I documented the following deficiencies:

2. The sediment basin still lacks an appropriate outlet structure (Figure 1), and as a result, sediment-laden water is leaving the site without being treated. **This is a direct violation of the NPDES permit.** You must install a properly-designed riser pipe or skimmer device to treat the water before it discharges offsite.
3. No inlet protection has been installed on the storm drains (Figure 2). You must install an approved form of inlet protection on each grate in accordance with the *Rainwater and Land Development Manual* (Ohio Department of Natural Resources, 2006), available online at <http://www.dnr.state.oh.us/tabid/9186/default.aspx>.

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4. Concrete washout is present on the bare ground (Figure 3), and I was unable to locate a designated concrete washout on the site. According to the NPDES permit, water that comes in contact with concrete is considered waste water and cannot leave the site. As a result, you must designate contained areas for concrete washout, and these locations must be outlined in your Storm Water Pollution Prevention Plan (SWP3). Please install an appropriate washout before conducting any further work with concrete.
5. Much of the site lacks stabilization, especially the soil stockpiles and the banks of the sediment basin (Figure 4). Please seed and mulch the stockpiles and the area surrounding the sediment basin to prevent erosion gullies from forming. In addition, if you will not be conducting further construction activities in any areas within the next 21 days, you must temporarily stabilize these locations within seven days of the last earth disturbance.

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 SWP3, must be submitted to the Ohio EPA **no later than August 18, 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. You may also contact Phil Rhodes of the Ohio EPA at (330) 963-1136.

Sincerely,



Michelle Hummel
Assistant to the District Engineer
Division of Surface Water

MH:bo

pc: Curtis Bungard, Engineer, City of Alliance
John Blaser, MS4 Program Manager, City of Alliance
Toni Middleton, Mayor, City of Alliance
Julie Barbari, Stark SWCD

ec: Phil Rhodes, DSW, NEDO



Figure 1 – The sediment basin lacks an appropriate outlet structure.

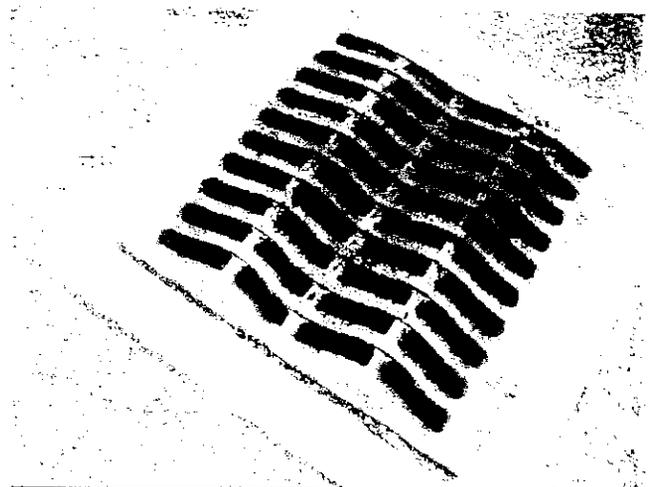


Figure 2 – No inlet protection is present on the storm drains.



Figure 3 – Concrete washout is present on the ground.



Figure 4 – Much of the site lacks stabilization, including the soil stockpile.