

**Environmental  
Protection Agency**

Governor  
Lt. Governor  
Director

August 4, 2011

RE: STARK COUNTY  
JACKSON TOWNSHIP  
WATERSIDE CONDOMINIUMS  
CONSTRUCTION STORM WATER

**NOTICE OF VIOLATION**

Mike Rankine  
Design Construction Company  
4305 Mount Pleasant Street NW  
North Canton, OH 44720

Dear Mr. Rankine:

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 #3GC04166\*AG. Our records indicate that Design Construction Company was granted coverage under the NPDES permit on September 12, 2008.

Since my last inspection, I documented the following violation of the NPDES permit:

1. **Failure to respond to an Ohio EPA Notice of Violation letter within the mandated time frame.** You neglected to submit a response to my last letter, dated July 14, 2011, and the issues outlined in that letter have not been addressed.

During my inspection of Lot 17, I documented the following deficiencies:

2. Non-sediment pollutants are visible on the ground (Figure 1). According to the NPDES permit, all non-sediment pollutants must be managed appropriately and disposed of properly to prevent the discharge of pollutants to surface waters of the state.
3. Silt fence is still being used improperly (Figure 2). Along the north side of the site, the slope is too steep to be controlled by silt fence. In addition, concentrated flows are present and have eroded gullies under the silt fence. As a result, a significant amount of sediment is flowing into the adjacent pond. You must **immediately** finish the terracing and landscaping in the backyard of this lot to prevent additional sediment from flowing off the property into the pond.
4. The entire site lacks stabilization (Figure 3). Please bring all areas to final grade and then permanently stabilize the site according to the landscaping plan.
5. Straw bales are being used as inlet protection (Figure 4), which is not acceptable according to the NPDES permit. Please install an appropriate form of inlet protection per the specifications given in 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>.
6. No rock construction entrance is present (Figure 5), and as a result sediment is being tracked onto the neighboring roadway. Please place additional gravel at the entrance to the site to reduce the amount of off-site tracking that occurs.

MIKE RANKINE  
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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 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](mailto: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,

  
for

Michelle Hummel  
Assistant to the District Engineer  
Division of Surface Water

MH:bo

pc: Keith Bennett, Engineer, Stark County  
John Pizzino, MS4 Program Manager, Jackson Township  
Trustees, Jackson Township  
Julie Barbari, Stark SWCD

ec: Phil Rhodes, DSW, NEDO



Figure 1 – Non-sediment pollutants are present on the ground.



Figure 2 – The slope is too steep to be controlled by silt fence.



Figure 3 – Much of the site lacks stabilization.

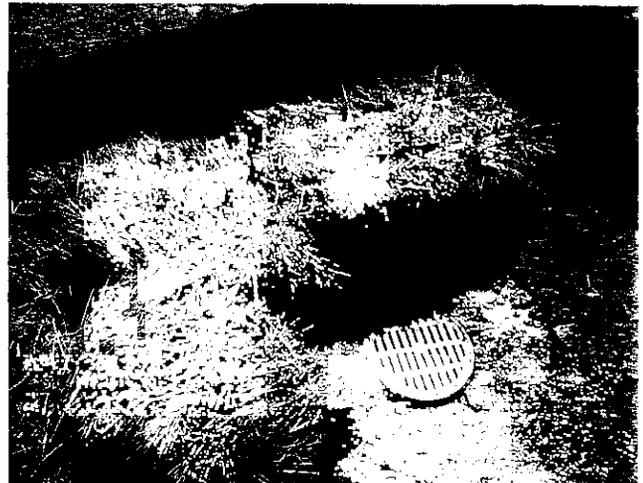


Figure 4 – The inlet protection on the storm drain should be modified.



Figure 5 – Sediment is being tracked onto the paved roadway.