



**Environmental  
Protection Agency**

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Korleski, Director

November 2, 2010

RE: HARTVILLE HARDWARE HOME CENTER  
3GC04993\*AG  
STARK COUNTY  
LAKE TOWNSHIP

Mr. Ellis Erb  
HRM Enterprises Inc.  
1015 Edison Street  
Hartville, Ohio 44632

Dear Mr. Erb:

On October 27, 2010 this writer along with Dan Bogoevski, DSW, NEDO conducted a compliance evaluation inspection of the above referenced site for the purpose of determining compliance with the above referenced general permit. We were accompanied by Tom Erb, Site Manager, Ellis Erb, Inc. A summary of the results of the inspection are presented below:

### **General**

Construction is underway for the new Hartville Hardware Home Center located at 1314 Edison Street NW, Hartville, Stark County. The site is approximately 18.7 acres in size with a total disturbed area of approximately 21.4 acres (assuming borrow and fill areas adjacent to the site). Bontrager Excavating Ltd. has until recently been the major contractor on site performing earthwork activities. Mr. Brian Bontrager was a point of contact. At this time Mr. Tom Erb is the point of contact. There is another contractor on site, Ivan Weaver, who reportedly is responsible for building construction. The Construction General Permit for this site was obtained on July 7, 2010.

### **SWPPP Review**

The Storm Water Pollution Prevention Plan was reviewed for administrative completeness and for implementation. The following was discussed with Tom Erb during our inspection:

### Administrative Issues

- 1) The area west of the access road and identified on sheet SD-12 of the SWPPP as the storm water detention area may have been a historical wetland. Please provide any documentation (wetland delineation) that you may have that identifies whether or not it is a wetland.
- 2) The General Permit was issued to HRM Enterprises Inc. Tom Erb indicated that Ellis Erb Inc. is in charge of day-to-day operations at this site. Please clarify the role of Ellis Erb Inc. on this project and the relationship to HRM Enterprises. 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 that are required to comply with the NPDES permit. It appears that Ellis Erb Inc. meets the definition of operator. **Operators that fail to obtain NPDES permit coverage are in violation of Part I.E of the NPDES permit and**

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**Ohio Administrative Code (OAC) 3745-38-06.** This violation is specific to Ellis Erb Inc. To obtain NPDES permit coverage, Ellis Erb Inc. must submit a Co-Permittee Notice of Intent (Co-Permittee NOI) to Ohio EPA. The Co-Permittee NOI was to be submitted by Ellis Erb Inc. prior to the start of construction activities. The form and instructions can be downloaded from our Web site at [www.epa.ohio.gov/dsw/storm/stormform.aspx](http://www.epa.ohio.gov/dsw/storm/stormform.aspx). There is no fee to file the form.

- 3) All contractors and subcontractors involved in the implementation of the SWP3 must sign a written document containing their signatures acknowledging review and understanding of the plan. This document must be kept with the SWP3 on site. **Failure to do this is a violation of Part III.E of the NPDES permit and ORC 6111.04 and 6111.07.** This requirement applies to contractors and subcontractors other than those that meet the definition of "operator". Please let me know if there are or will be any such contractors or subcontractors for this project and if so, please be sure that the signed document is kept with the SWP3 on site. It appears that this requirement applies to Bontrager Excavating and Ivan Weaver Construction. A template for an acceptable signed document is available in Appendix H of the example SWPPPs developed by the United States Environmental Protection Agency (US EPA) in the document titled ***Developing Your Storm Water Pollution Prevention Plan: A Guide for Construction Sites*** available at [www.epa.gov/npdes/stormwater/construction](http://www.epa.gov/npdes/stormwater/construction).
- 4) A sedimentation pond has not been installed. The general permit states:

"A sediment settling pond is required for any one of the following conditions:

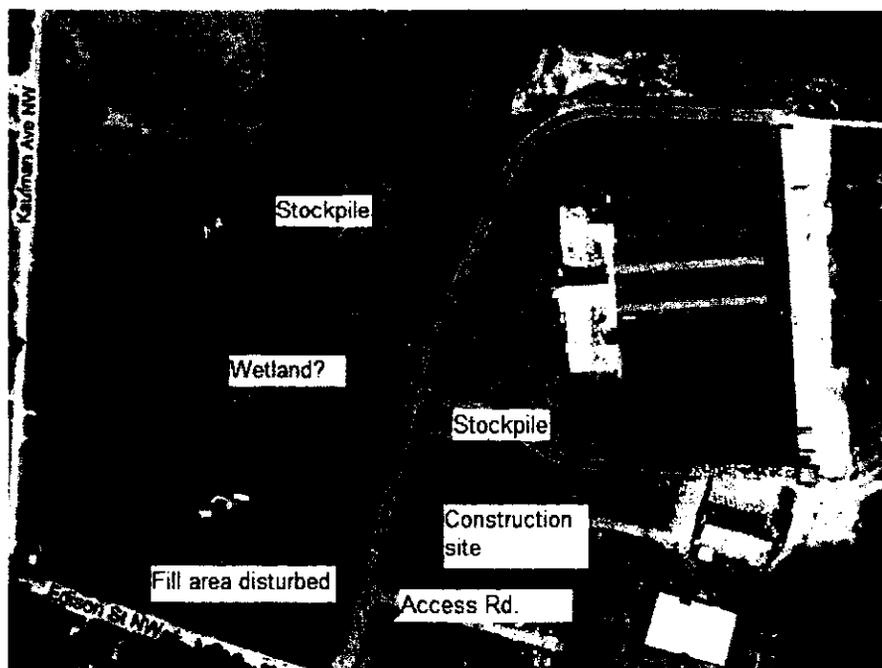
- concentrated storm water runoff (e.g., storm sewer or ditch);
- runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
- runoff from drainage areas that exceed the design capacity of inlet protection; or
- **runoff from common drainage locations with 10 or more acres of disturbed land."**

The site contains three major storm sewer collection lines that collect and drain an area of greater than 10 acres. Therefore the sedimentation pond is required. This will necessitate a design and SWPPP change.

- 5) At the time of the visit there was no log documenting grading and stabilization activities as well as amendments to the SWPPP, which have occurred after construction commenced. This applies, but is not limited to, the area west of the access road and the large stockpile of dirt being used to surcharge the future parking lot area. Please update the SWPPP to reflect the additional disturbance and amend the plan as needed to provide controls for these areas.
- 6) Why does note 2e on page SD-11 indicate that this is not a large construction site? All construction sites where the larger common plan of development or sale disturbs 5 or more acres of land are defined as "large construction" under the storm water regulations.
- 7) There are three contour lines marked as elevation 1150 in the micro pool. Is this accurate or is it a mistake?

Construction Issues (pictures attached)

- 1) As mentioned above, the storm sewers have been installed. Inlet protection has been provided on most catch basins. However there were exposed manholes where access holes on the side of the manhole allow sediment laden water to enter the sewers. There was one existing storm sewer inlet that had a short piece of corrugated pipe stacked on top of the grate. Neither of these practices are acceptable examples of inlet protection. Pictures are attached for your reference.
- 2) As the growing season has passed, dormant seeding and mulch stabilization is needed on all disturbed areas that will be dormant for more than 21 days or that will be idle over winter. This applies not only to the construction site but also your stockpile areas west of the access road.
- 3) The silt fence needs to be repaired at the toe of the slope for the fill area west of the access road. Where two sections meet in a corner, the joints need to be twisted together before staking them into the ground.
- 4) The fuel tank is not diked to provide secondary containment and there is no spill kit available on site to clean up spills which may occur.
- 5) West of the access road a pipe has been placed under the silt fence to drain an excavation. This has allowed sediment to enter the possible wetland area. This is not an acceptable trench and excavation dewatering technique. Please eliminate the dewatering pipe and re-establish the silt fence so that runoff must pond along it before entering the possible wetland area. Use a dewatering bag, establish a sump pit with perforated-and-geotextile-wrapped stand pipe, or dewater to a sediment basin in the future. You may also pump directly from the excavation provided you have waited a minimum of 24 hours for sediments to settle and the pump intake is set at the top of the water surface.



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You are requested to respond in writing to this office no later than November 12, 2010 with an adequate response to those items listed above. Please include a copy of any revisions made to the SWPPP. If you should have any questions, feel free to contact this writer at (330) 963-1136 or by e-mail at [phil.rhodes@epa.state.oh.us](mailto:phil.rhodes@epa.state.oh.us).

Sincerely,



Philip P. Rhodes, P.E.  
Environmental Specialist II  
Division of Surface Water

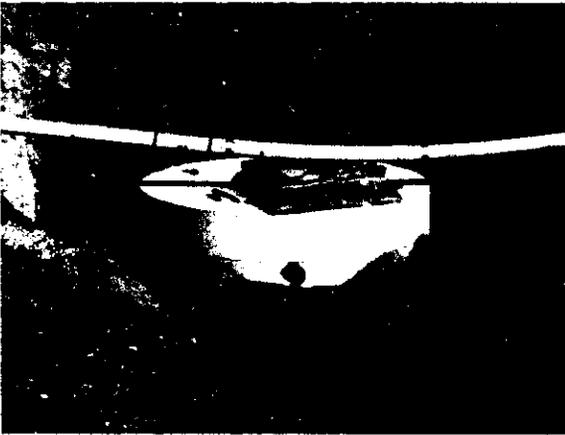
PPR/mt

cc: Mike Kendall P.E., GBC Design, Inc.  
Julie Berbari, Stark Soil & Water Conservation  
Jean Siedel, Army Corp. Engineers, Huntington District  
Lake Township Trustees

10/27/2010 View from east side. Runoff entering existing stormsewer



10/26/2010 Fuel storage



10/12/2010 stormsewer outlet to area west of access road



10/27/2010 Inadequate stabilization/protection of area west of access road



