



**Environmental
Protection Agency**

John T. Egan, Governor
Michael L. Ft. Governor
S. J. B. Director

May 4, 2010

RE: FRESH MARK
MASSILLON PLANT
3GC04585*AG
STARK COUNTY

Mr. Randy Anderson
Fresh Mark, Inc.
P.O. Box 571
Massillon, Ohio 44648

Dear Mr. Anderson:

On April 26 and 30, 2010 this writer conducted an inspection of your facility for the purpose of determining compliance with your General NPDES Stormwater Permit 3GC04585*AG. In attendance besides you were Julie Berbari, Stark Soil & Water Conservation District (SSWCD) and Mark Gregory. On April 26 it was raining and the stormwater controls were not adequate. The temporary sedimentation pond was overwhelmed as there was more flow being diverted to it than was originally designed. It was overflowing to the west entering the railroad ditch as very turbid sediment laden water. The water eventually discharged to a wetland where it mixed with visually clean water turning it turbid. The following deficiencies were noted:

- 1) The temporary sedimentation pond does not appear to be constructed with the approved design capacity.
- 2) The rock check dams located in the north east/west swale did not appear to be constructed properly as stormwater was undercutting the rock and not pooling behind each dam.
- 3) Stormwater, at least two locations, was overflowing the northern berm. This water was eroding additional soils and adding to the volume and sediment load to the swale and subsequently to the temporary sedimentation pond.
- 4) Stormwater that was pooling in the area where the permanent sedimentation pond was to be constructed was also entering the temporary pond via a recently cut trench.
- 5) The groundwater discharge that had been piped around the building construction was also routed to the temporary pond.
- 6) The sedimentation fence on the north side of the property had fallen over due to the excessive flow of stormwater.

Your company was requested to address these issues as soon as possible. On April 30 I re-inspected the site to observe any progress and was pleased to see the following:

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- 1) The groundwater has been piped through the site exiting on the south side of the sedimentation fence against straw bales. The pipe was flowing and the water was clear at the time of my inspection. Noted was that it was not raining that day.
- 2) The permanent pond was under substantial construction and the flow of water from this area had been cut off.
- 3) The temporary sedimentation pond had dewatered to approximately 12 inches of water. Water was flowing into the riser pipe and exiting the overflow structure to the railroad ditch.

I suggested that you raise the berm on the north side of the temporary sedimentation pond to increase its capacity and ensure that the water exited the outflow structure directly north to the railroad tracks ditch. The rock check dams in the east/west swale need to be reconstructed to prevent future undercutting. A pronounced depression in the middle of the check dams is necessary to channel stormwater to the middle instead of eroding around the rock. The aforementioned are not the only improvements that are necessary to comply with your SWPPP. All requests to correct deficiencies made by Julie Berbari, SSWCD, also need to be complied with.

As mentioned, progress has been made and your cooperation appreciated. I will be re-inspecting your site in the near future to monitor your continued progress with managing stormwater from your construction site.

If you should have any questions feel free to contact this writer at (330) 963-1136.

Sincerely,



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

PPR/mt

File: Stormwater