

**Environmental  
Protection Agency**

**Governor  
Lt. Governor  
Director**

August 4, 2011

RE: STARK COUNTY  
TUSCARAWAS TOWNSHIP  
TUSLAW ELEMENTARY SCHOOL  
CONSTRUCTION STORM WATER

Al Oster  
Tuslaw Local School District  
1835 Manchester Avenue NW  
Massillon, OH 44647

and

Nieman Excavating Co LLC  
1569 Smith Drive  
Wooster, OH 44691

Dear Mr. Oster and Nieman Excavating Co LLC:

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 #3GC04616\*AG. Our records indicate that Tuslaw Local School District was granted coverage under the NPDES permit on September 3, 2009. Our records further indicate that Nieman Excavating Co LLC submitted a Co-Permittee Notice of Intent on October 14, 2009.

During my inspection, I documented the following deficiencies:

1. Concrete washout is still visible on the ground (Figure 1), 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.
2. A significant amount of sediment is being tracked onto the paved parking lot and the neighboring roadway. Please sweep these paved areas regularly to prevent sediment from washing into the storm drains.
3. Some construction debris and other pieces of garbage are still present around the site (Figure 2). Please dispose of construction debris in an appropriately-marked dumpster with a cover to prevent trash from leaving the site.
4. If any areas have reached final grade or will not be worked within the next 21 days, please stabilize these locations within seven days of the last earth disturbance.

AL OSTER  
NIEMAN EXCAVATING CO LLC  
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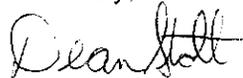
5. When construction is complete and the site has been stabilized, you must repair the swale along the right side of the property in accordance with the Storm Water Pollution Prevention Plan (SWP3). In addition, you must dredge the sediment basin and convert the outlet to a post-construction structure as described in the plan.

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](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  
Trustees, Tuscarawas Township  
Julie Berbari, Stark SWCD

ec: Phil Rhodes, DSW, NEDO



Figure 1 – Concrete washout is not contained.



Figure 2 – Construction debris is not contained in a dumpster.