



**Environmental
Protection Agency**

Governor
Lt. Governor
Director

August 16, 2011

RE: SUMMIT COUNTY
CITY OF CUYAHOGA FALLS
MANCHESTER FALLS APT
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Mr. John Fechko
Fechko Excavating, Inc.
865 West Liberty Street, Suite 120
Medina, OH 44256

Dear Mr. Fechko:

On August 4, 2011, I, along with Joan Hug-Anderson of the Summit Soil & Water Conservation District (SWCD), and Scott Derodes of Fechko Excavating, performed an 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 #3GC00792*AG. Our records indicate that Cuyahoga Falls One, LLC was granted coverage under the NPDES permit on May 10, 2004.

During my inspection, I documented the following violations of the NPDES permit:

1. **Failure to implement the approved Storm Water Pollution Prevention Plan (SWP3) upon initiation of construction activities.** This is a violation of Part III.B of the NPDES permit. Earth-moving activities have occurred on the site, but the only erosion or sediment control installed that was shown on the SWP3 was the perimeter silt fence. Other than activity needed to implement sediment and erosion controls to address the current site conditions, do not conduct any further earth-disturbing activities at the site.
2. **Failure to pass sediment laden trench water through a sediment basin or equally effective sediment control device before discharging to a surface water of the state.** This is a violation of Part III.G.2.g.iv of the NPDES permit. During the inspection, crews were dewatering a trench full of sediment laden water into the adjacent stream (Figure 1). Silty water was observed downstream and through to the adjacent property (Figure 2). Please be aware that if dewatering practices are to occur, the silty water must first pass through a sediment control device before the water can be discharged to a water of the state.

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3. **Failure to install sediment basins prior to grading and within seven days of the start of grubbing.** This is a violation of Part III.G.2.i of the NPDES permit. Sediment controls should be functional throughout the course of earth-moving activities at the site. Sediment basins must be installed immediately.

During my inspection, I documented the following deficiencies:

1. The only sediment control implemented on site was silt fence. Please be sure to implement all erosion and sediment controls specified in the Storm Water Pollution Prevention Plan (SWP3) immediately. Any disturbed earth outside of the silt fence (side opposite of any construction activity) must be stabilized immediately with seeding and straw mulch.
2. The conveyance channel depicted in the SWP3 to direct runoff away from the stream which crosses the property and into the sediment basin had not been installed. Please install the conveyance channel immediately to prevent sediment laden water from discharging in to the stream. Failure to protect surface waters of the State is a *direct violation of the NPDES permit and punishable with fines up to \$25,000 per day of violation.*
3. Inlet protection was not installed as depicted in the detail drawings on the SWP3. Please be sure to implement appropriate inlet protection immediately.
4. The rock construction entrance was inadequate, resulting in excessive tracking of sediment off site. The entrance should be re-constructed with the specifications in the SWP3 in order to function as intended. In addition, the street should be swept on a more regular basis to avoid offsite tracking of sediment.
5. There appeared to be possible areas throughout the site that have or will remain idle for more than twenty one (21) days. If this is the case, please stabilize these areas temporarily with seeding and straw mulch until final grade is reached and the site can be permanently stabilized. Temporary stabilization is to occur within seven (7) days of any earth disturbing activity, and within two (2) days for any areas within fifty (50) feet of the stream.
6. The south basin outlet structure was not installed properly. The plans depict that the two ponds near the road are to be combined to create a temporary sediment pond during construction activities, and a permanent detention basin for post-construction. Please be sure to follow what is depicted in the SWP3 and implement appropriate dewatering structures for both during construction and post-construction.

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Please provide Phil Rhodes of the Ohio EPA with a letter of response indicating the actions you will take to address the violations and deficiencies noted above. Your response must be submitted to the Ohio EPA **no later than August 29, 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 violations and 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 (330) 487-0769 or via e-mail to phil.rhodes@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 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 General Construction Permit.

If you have any questions regarding this matter, please contact Phil Rhodes at (330) 963-1136.

Sincerely,



Lindsie MacPherson
Assistant to the District Engineer
Division of Surface Water

LM/mt

- cc: David Conwill, Cuyahoga Falls One, LLC w/ enclosure
Russell Kring, City of Cuyahoga Falls w/ enclosure
- ec: Joan Hug-Anderson, Summit SWCD w/ enclosure
Phil Rhodes, Ohio EPA, NEDO, DSW w/ enclosure

Manchester Falls Project
Taken by Lindsie MacPherson, 8/4/2011



Figure 1: Dewatering the sediment laden trench water directly into the adjacent stream.



Figure 2: Sediment observed downstream from the construction and through the adjacent property.