

**Environmental  
Protection Agency**

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

June 10, 2010

RE: TRUMBULL COUNTY  
MAHONING RIVER BASIN  
LIBERTY TOWNSHIP  
LOGAN GATE DEVELOPMENT

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Bob Walley, Sr.  
RAAW, LLC  
5000 West Liberty Street  
Hubbard, Ohio 44425

Steve Scilian  
4603 Michigan Boulevard  
Youngstown, Ohio 44505

Mr. Bob Walley, Sr.  
4603 Michigan Boulevard  
Youngstown, Ohio 44505

Dear Mr. Walley, et al:

**Logan Gate Site**

On May 13, 2010, Ohio EPA attended an onsite meeting to discuss the violations occurring on a property located northeast of Logan Gate Road, northwest of the Norfolk Southern railroad lines, and east of Powder Mill Run in Liberty Township, Trumbull County, parcel No. 12-680550 (Logan Gate site). Nancy Mullen and Matt Mason of the U.S. Army Corps of Engineers (USCOE); Ed Wilk and I of Ohio EPA; Jacob Gore of Trumbull County Soil and Water Conservation District (Trumbull SWCD); Stan Nudell of Liberty Township Trustee; James Rodway of Liberty Township Zoning; Mohammad Fard of Tri County Sports; Dan Bienkl, a local architect; and you were in attendance of the onsite meeting. Matters related to 401/404 permitting will be addressed by the U.S. Army Corps of Engineers and/or Ohio EPA's 401 Section under separate cover.

Ohio EPA records do not indicate that the Logan Gate site is covered under a General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity permit (General Storm Water Permit). The inspection documented that construction activities, defined as "the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill or excavating activities or other construction activities," had begun at the site and did not have appropriate erosion and sediment best management practices (BMP) installed, which was causing the discharge of sediment-laden runoff to Crab Creek, unnamed tributaries of Crab Creek, and onsite wetlands. **The discharge of pollutants to surface waters of the State constitutes violations of Ohio Revised Code (ORC) Chapter 6111.04.**

Mr. Bob Walley, et al.  
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Since the Logan Gate site is greater than one acre, a Notice of Intent (NOI) application form and the appropriate fee were required to be submitted at least twenty-one (21) days prior to the commencement of construction activities in order to obtain coverage under the General Storm Water Permit. **Failure to submit the NOI at least twenty-one (21) days prior to the commencement of construction activities is a violation of ORC Chapter 6111 and Part II.A of the General Storm Water Permit.** The NOI application form can be obtained at the following Internet address:

<http://www.epa.state.oh.us/dsw/storm/stormform.html>

**The NOI application form must be completed and submitted to Ohio EPA, in accordance with the enclosed NOI instructions, with the appropriate fee within ten (10) days of receiving this Notice of Violation (NOV).**

Following the onsite meeting, an inspection of the Logan Gate site was performed, which documented the following violations of ORC Chapter 6111 and the General Storm Water Permit:

- Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to Crab Creek, unnamed tributaries of Crab Creek, and onsite wetlands (Figures 1 to 3); and
- Construction and demolition debris (C&DD) (i.e. all non-clean hard fill materials) and discarded tires (Figure 4) have been placed on the site and must be properly disposed of as a solid waste. Please contact Steve Kramer of the Trumbull County Health Department regarding how to properly dispose of solid waste. For your convenience, Mr. Kramer can be contacted at (330) 675-7813;

Via NOVs dated July 20, 2009, July 30, 2009, November 25, 2009, December 31, 2009, February 8, 2010, and March 30, 2010 Ohio EPA notified you of the above violations and required an NOI and a copy of the Logan Gate site's storm water pollution prevention plan (SWP3) be submitted to Ohio EPA. As of the date of this NOV, Ohio EPA has not received an NOI for the Logan Gate site or a copy of the Logan Gate site's SWP3. **Failure to submit a copy of the Logan Gate site's SWP3 within ten days of a written request constitutes a violation of ORC Chapter 6111 and Part III.C.3 of the General Storm Water Permit.**

An NOI must be submitted to Ohio EPA immediately in order for the Logan Gate site to obtain General Storm Water Permit coverage. In addition, Ohio EPA formally requests a copy of the Logan Gate site's SWP3 be submitted within ten days of receiving this NOV for review. The Logan Gate site's SWP3 must satisfy the requirements established within Part III.G of the Storm Water Permit. Appropriate BMPs must be installed to prevent the discharge of pollutants to "surface waters of the State."

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### **RAAW LLC Commercial Site**

Ohio EPA records indicate that the RAAW Commercial Property, located at 5000 West Liberty Street, Liberty Township, Trumbull County (site), is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC03921\*AG.

Via NOV's dated June 17, 2009, July 30, 2009, October 15, 2009, November 25, 2009, December 31, 2009, and February 8, 2010 Ohio EPA notified you of storm water pollution prevention plan (SWP3) violations. The NOV's required written correspondence and a revised SWP3 be immediately submitted to Ohio EPA for review. The written correspondence was to detail what corrective actions were to be performed to address violations that were occurring on the site. As of the date of this NOV, Ohio EPA has not received the written correspondence addressing the violations that were occurring or a copy of the revised SWP3 for the site. **Failure to address and revise the deficient SWP3 constitutes violations of ORC Chapter 6111 and Part III.C.3. and Part III.D. of the General Storm Water Permit.** A copy of the revised SWP3 must be submitted immediately to Ohio EPA and Trumbull SWCD, located at 520 West Main Street, Suite 3, Cortland, Ohio 44410, for review.

Matters related to 401/404 permitting will be addressed by the U.S. Army Corps of Engineers and/or Ohio EPA's 401 Section under separate cover. Following the Logan Gate site inspection, an inspection of the site was performed, which documented the following violations of ORC Chapter 6111 and the General Storm Water Permit:

- Pollutants from the material handling area, located on the eastern portion of the site, are discharging directly into "surface waters of the State" via a storm sewer that is connected to a retention basin that has been constructed in-stream (Figures 5 to 6). **Failure to install post-construction BMPs to protect a receiving stream's physical, chemical, and biological characteristics and maintain stream functions constitutes violations of ORC Chapter 6111 and Part III.G.2.e of the General Storm Water Permit;**
- Leachate from numerous material stockpiles are discharging directly into "surface waters of the State" (Figures 7 to 10). **Failure to implement BMPs to prevent the discharge of non-sediment pollutants to the drainage system of the site or "surface surface waters of the State" constitutes violations of ORC Chapter 6111 and Part III.G.2.g.i of the General Storm Water Permit;**
- Failing BMPs are permitting the discharge of sediment to "surface waters of the State" (Figure 11). **Failure to install sediment basins and perimeter sediment barriers prior to grading and within seven days from the start of grubbing and to ensure that sediment control structures are functional throughout the course of earth disturbing activity constitutes violations of ORC Chapter 6111 and Part III.G.2.d.1 of the General Storm Water Permit;**

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- Portions of the site do not have appropriate BMPs installed to prevent the discharge of sediment to "surface waters of the State" (Figure 12). **Failure to install sediment basins and perimeter sediment barriers prior to grading and within seven days from the start of grubbing and to ensure that sediment control structures are functional throughout the course of earth disturbing activity constitutes violations of ORC Chapter 6111 and Part III.G.2.d.1 of the General Storm Water Permit;** and
- A diversion channel has been constructed to direct sediment-laden runoff to discharge directly into "surface waters of the State" (Figure 13). **Failure to install a sediment settling pond with the diversion channel constitutes violations of ORC Chapter 6111 and Part III.G.2.d.1 of the General Storm Water Permit.**

Appropriate BMPs must be installed on both sites to prevent the discharge of pollutants to "surface waters of the State." **Failure to address the above violations will result in enforcement being pursued, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation.**

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/mt

cc: Trumbull County Health Department  
Trumbull County Planning Commission  
Liberty Township Zoning

ec: Nancy Mullen, USCOE  
Matt Mason, USCOE  
Ed Wilk, Ohio EPA, DSW-NEDO  
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**Figure 1** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "surface waters of the State."



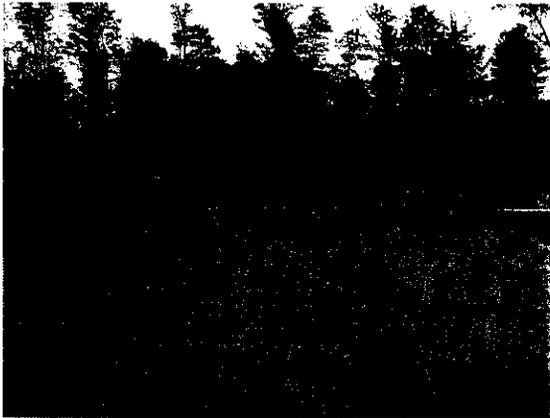
**Figure 2** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges to "surface waters of the State."



**Figure 3** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges to "surface waters of the State."



**Figure 4** - C&DD and discarded tires must be disposed of properly.



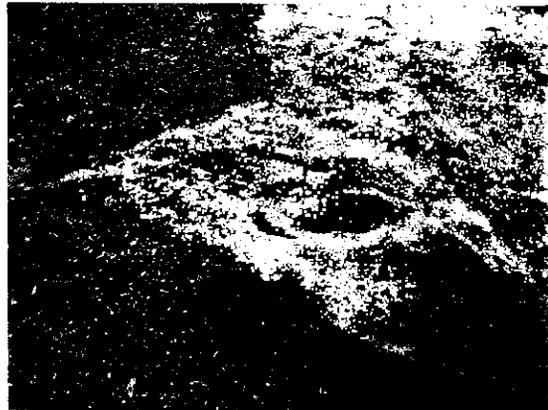
**Figure 5** - Pollutants from the material handling area are discharging directly into "surface waters of the State"



**Figure 6** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to wetlands.



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**Figure 11** - Failing BMPs are permitting the discharge of sediment to "surface waters of the State."



**Figure 12** - Portions of the site do not have appropriate BMPs installed to prevent the discharge of sediment to "surface waters of the State."



**Figure 13** - A diversion channel has been constructed to direct sediment-laden runoff to discharge directly into "surface waters of the State."



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Appropriate BMPs must be installed on both sites to prevent the discharge of pollutants to "surface waters of the State." **Failure to address the above violations will result in enforcement being pursued, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation.**

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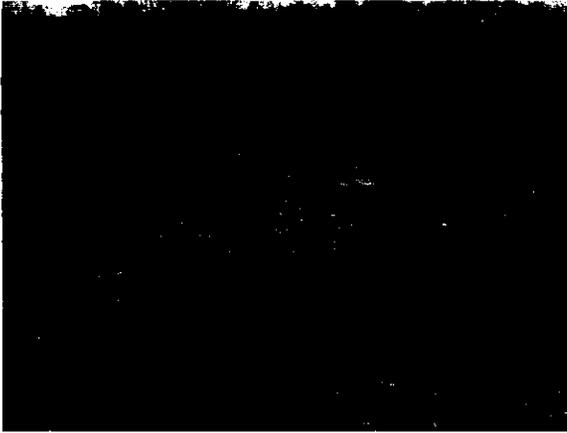


Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/mt

cc: Trumbull County Health Department  
Trumbull County Planning Commission  
Liberty Township Zoning

ec: Nancy Mullen, USCOE  
Matt Mason, USCOE  
Ed Wilk, Ohio EPA, DSW-NEDO  
Rachel DeMuth, Ohio EPA, DSW-CO  
Jacob Gore, Trumbull SWCD



**Figure 1** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "surface waters of the State."



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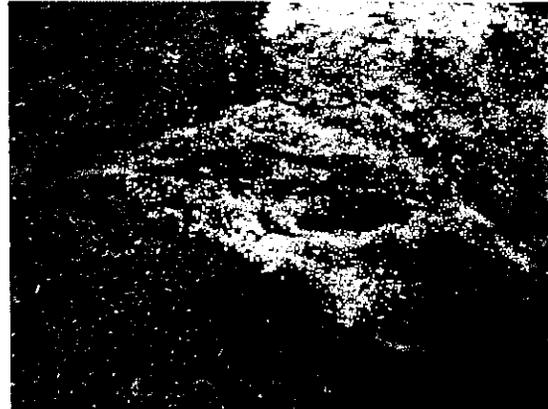
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June 10, 2010

RE: TRUMBULL COUNTY  
MAHONING RIVER BASIN  
LIBERTY TOWNSHIP  
LOGAN GATE DEVELOPMENT

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Tri County Sports  
4200 Logan Gate Road  
Youngstown, Ohio 44505

Mr. Mohammad Fard  
4603 Michigan Avenue  
Youngstown, Ohio 44505

Dear Mr. Fard:

On May 13, 2010, Ohio EPA attended an onsite meeting to discuss the violations occurring on a property located northeast of Logan Gate Road, northwest of the Norfolk Southern railroad lines, and east of Powder Mill Run in Liberty Township, Trumbull County, parcel Nos. 12-765012 and 12-765115 (site). Nancy Mullen and Matt Mason of the U.S. Army Corps of Engineers (USCOE); Ed Wilk and I of Ohio EPA; Jacob Gore of Trumbull County Soil and Water Conservation District (Trumbull SWCD); Stan Nudell of Liberty Township Trustees; James Rodway of Liberty Township Zoning; Bob Walley, Sr. of RAAW, LLC; Dan Bienkl, a local architect; and you were in attendance of the onsite meeting. Matters related to 401/404 permitting will be addressed by the U.S. Army Corps of Engineers and/or Ohio EPA's 401 Section under separate cover.

Ohio EPA records do not indicate that the site is covered under a General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity permit (General Storm Water Permit). The inspection documented that construction activities, defined as "the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill or excavating activities or other construction activities," had begun at the site and did not have appropriate erosion and sediment best management practices (BMP) installed, which was causing the discharge of sediment-laden runoff to Crab Creek, unnamed tributaries of Crab Creek, and onsite wetlands. **The discharge of pollutants to surface waters of the state constitute violations of Ohio Revised Code (ORC) Chapter 6111.04.**

Tri County Sports  
Mr. Mohammad Fard  
Logan Gate Development  
June 10, 2010  
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- Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to Crab Creek, unnamed tributaries of Crab Creek, and onsite wetlands (Figures 1 to 4); and
- Failure to have appropriate BMPs installed to prevent discharges of pollutants from the C&DD that has been placed as a parking area. The discharge of pollutants is occurring to the Logan Gate roadside ditch, which discharges directly to Crab Creek.

On June 1, 2010, you faxed Ohio EPA a copy of the purchase agreement that was executed between you and Bob Walley, Sr. for the sale of 7.72 acres of land (i.e. the site). The purchase agreement details that all work detailed in Exhibits A and B is to be performed by Bob Walley, Sr. for the installation of new parking areas and outdoor soccer fields.

Via NOVs dated July 20, 2009, July 30, 2009, November 25, 2009, December 31, 2009, February 8, 2010, and March 30, 2010 Ohio EPA notified you of the above violations and required an NOI and a copy of the site's storm water pollution prevention plan (SWP3) be submitted to Ohio EPA. As of the date of this NOV, Ohio EPA has not received an NOI for the site or a copy of the site's SWP3. **Failure to submit a copy of the site's SWP3 within ten days of a written request constitutes a violation of ORC Chapter 6111 and Part III.C.3 of the General Storm Water Permit.**

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Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/mt

cc: Trumbull County Health Department  
Trumbull County Planning Commission  
Liberty Township Zoning

ec: Nancy Mullen, USCOE  
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**Figure 1** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "waters of the state."



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- Failure to have appropriate BMPs installed to prevent discharges of pollutants from the C&DD that has been placed as a parking area. The discharge of pollutants is occurring to the Logan Gate roadside ditch, which discharges directly to Crab Creek.

On June 1, 2010, you faxed Ohio EPA a copy of the purchase agreement that was executed between you and Bob Walley, Sr. for the sale of 7.72 acres of land (i.e. the site). The purchase agreement details that all work detailed in Exhibits A and B is to be performed by Bob Walley, Sr. for the installation of new parking areas and outdoor soccer fields.

Via NOVs dated July 20, 2009, July 30, 2009, November 25, 2009, December 31, 2009, February 8, 2010, and March 30, 2010 Ohio EPA notified you of the above violations and required an NOI and a copy of the site's storm water pollution prevention plan (SWP3) be submitted to Ohio EPA. As of the date of this NOV, Ohio EPA has not received an NOI for the site or a copy of the site's SWP3. **Failure to submit a copy of the site's SWP3 within ten days of a written request constitutes a violation of ORC Chapter 6111 and Part III.C.3 of the General Storm Water Permit.**

Tri County Sports  
Mr. Mohammad Fard  
Logan Gate Development  
June 10, 2010  
Page 3

An NOI must be submitted to Ohio EPA immediately in order for the site to obtain General Storm Water Permit coverage. In addition, Ohio EPA formally requests a copy of the site's SWP3 be submitted within ten days of receiving this NOV for review. The site's SWP3 must satisfy the requirements established within Part III.G of the Storm Water Permit. Appropriate BMPs must be installed to prevent the discharge of pollutants to "waters of the state." **Failure to address the above violations will result in enforcement being pursued, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation.** Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118.

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/mt

cc: Trumbull County Health Department  
Trumbull County Planning Commission  
Liberty Township Zoning

ec: Nancy Mullen, USCOE  
Matt Mason, USCOE  
Ed Wilk, Ohio EPA, DSW, NEDO  
Rachel DeMuth, Ohio EPA, DSW, CO  
Jacob Gore, Trumbull SWCD



**Figure 1** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "waters of the state."



**Figure 2** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "waters of the state."



**Figure 3** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "waters of the state."



**Figure 4** - Failure to have appropriate erosion and sediment BMPs installed to prevent discharges of sediment to "waters of the state."



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