



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

July 20, 2009

RE: TRUMBULL COUNTY  
MOSQUITO CREEK BASIN  
CITY OF CORTLAND  
PETROCCO PLAT 8 & 10 AND LOT 342

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Anthony Petrocco, Jr.  
WAE Corp  
346 Cheviot Place  
Cortland, Ohio 44410

Mr. Anthony Petrocco, Jr.  
669 Cedar Drive  
Cortland, Ohio 44410

Dear Mr. Petrocco, Jr.:

On July 6, 2009, Ohio EPA conducted an inspection of Petrocco Plat 8 & 10 and Lot 342, located in the City of Cortland, Trumbull County (sites). Ohio EPA records indicate that the sites are covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit Nos. 3GC01347\*AG, 3GC01749\*AG, respectively. The following violations were documented:

**Petrocco Plat 8 & 10**

- Part III.G.2.e. of the General Storm Water Permit requires that post-construction storm water management is required at all construction sites that disturb one acre or larger so that the receiving stream's physical, chemical, and biological characteristics are protected and stream functions are maintained. The site's storm water pollution prevention plan (SWP3) depicts that a post-construction storm water management basin is to be constructed, which has not been constructed (Figure 1). **Failure to install the post-construction storm water management basin, as depicted on the SWP3, constitutes a violation of Part III.G.2.e. of the General Storm Water Permit and Ohio Revised Code Chapter 6111.** Within fourteen (14) days of receiving this Notice of Violation (NOV), the post-construction storm water management basin must be constructed in accordance with the SWP3.

- Part III.G.2.e. of the General Storm Water Permit requires that post-construction storm water management is required at all construction sites that disturb one acre or larger so that the receiving stream's physical, chemical, and biological characteristics are protected and stream functions are maintained. The site's storm water pollution prevention plan (SWP3) depicts that a water quality orifice is to be constructed on the outlet structure. **Failure to install the post-construction water quality orifice, as depicted on the SWP3, constitutes a violation of Part III.G.2.e. of the General Storm Water Permit and Ohio Revised Code Chapter 6111.** Within fourteen (14) days of receiving this Notice of Violation (NOV), the water quality orifice on the outlet structure must be constructed in accordance with the SWP3.
- The on-site stream and wetland mitigation requirements do not appear to have been satisfied due to the lack of stream bank stabilization, lack of floodplain, lack of appropriate vegetation, and improperly constructed rock cross mane structures (Figure 3). This matter has been forwarded to Michael Smith of Ohio EPA Division of Surface Water's Environmental Mitigation and Special Permitting Section for resolution. For your convenience, Michael Smith can be contacted at (614) 644-2326.

### **Lot 342**

- The outlet pipe of the northern sediment settling pond does not have outlet protection installed to prevent erosion from occurring during discharge events (Figure 4). In addition, improperly designed and installed outlet protection (i.e. bricks) has been placed within the on-site stream at the end of the road culvert (Figure 5). **Within ten (10) days of receiving this NOV, properly designed outlet protection must be placed at the end of the outlet pipe of the northern sediment settling pond and within the on-site stream at the end of the road culvert.** The specifications for proper outlet protection can be located within Ohio Department of Natural Resources' (ODNR) "Rainwater and Land Development" (RLD) manual, which can be obtained at the following Internet address:

<http://www.dnr.state.oh.us/water/rainwater/default/tabid/9186/Default.aspx>

- The southern sediment settling pond has not been constructed (Figure 6). The General Storm Water Permit requires all sediment control structures to be functional throughout the course of earth disturbing activity. **Within ten (10) days of receiving this NOV, the southern sediment settling pond must be constructed in accordance with the SWP3.**

Mr. Anthony Petrocco, Jr.  
Petrocco Plat 8 &10 and Lot 342  
July 20, 2009  
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- Concrete washout was occurring within a portion of the site that drains to “waters of the state” (Figure 7). **Within ten (10) days of receiving this NOV, a properly designed concrete washout area must be constructed in a contained area of the site so that a discharge of pollutants to “waters of the state” will not occur.**
- Improperly designed and constructed inlet protection was installed on the site’s storm sewer inlets (Figure 8). **Within ten (10) days of receiving this NOV, properly designed inlet protection must be installed on all storm sewer inlets in accordance with the SWP3.** Please refer to ODNR’s RLD manual regarding the specifications for proper inlet protection.

**Within ten (10) days of receiving this NOV, provide me a written response as to how the violations, detailed above, shall be addressed. This letter also serves to formally request a copy of the SWP3 to be submitted for review.** I will re-inspect this site in approximately two (2) weeks to determine if the site has achieved compliance with the site’s General Storm Water Permit and ORC Chapter 6111. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118.

Sincerely,



Chris Moody  
Environmental Specialist  
Division of Surface Water

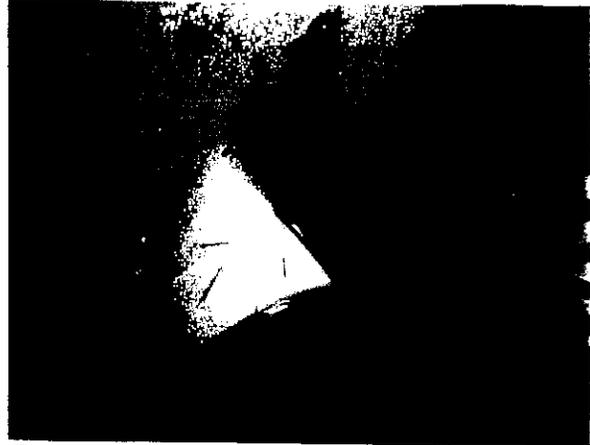
CM/mt

cc: Trumbull SWCD  
Don Wittman, City of Cortland, Zoning Department

ec: Ed Wilk, Ohio EPA, DSW, NEDO  
Michael Smith, Ohio EPA, DSW, CO



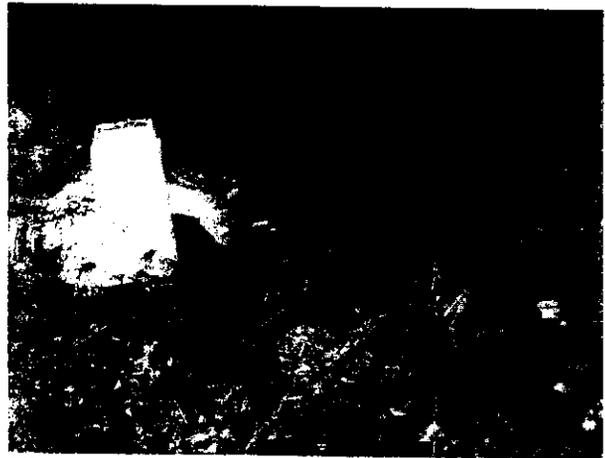
**Figure 1** - The post-construction storm water management basin depicted on the SWP3 must be constructed.



**Figure 2** - The water quality orifice depicted on the SWP3 must be installed.



**Figure 3** - The on-site stream and wetland mitigation requirements do not appear to have been satisfied.



**Figure 4** - The outlet pipe of the northern sediment settling pond does not have outlet protection installed to prevent erosion from occurring during discharge events.



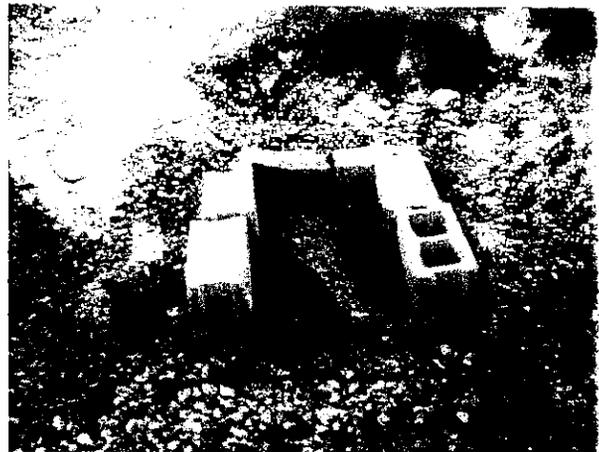
**Figure 5** - Improperly designed and installed outlet protection (i.e. bricks) has been placed within the on-site stream at the end of the road culvert.



**Figure 6** - The southern sediment settling pond has not been constructed.



**Figure 7** - Concrete washout was occurring within a portion of the site that drains to "waters of the state."



**Figure 8** - Improperly designed and constructed inlet protection was installed on the site's storm sewer inlets.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            Anthony Petrocco Jr</p> <p>C. Date of Delivery            7-21-09</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p>Anthony Petrocco Jr            609 Cedar Dr            Cortland OH 44410</p>		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number            (Transfer from service label) 7008 3230 0003 5419 7990 (Moody 7/20/09)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
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<p>2. Article Number            (Transfer from service label) 7008 3230 0003 5419 8010 (Moody 7/20/09)</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
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