

**Environmental
Protection Agency**

Ohio Department of
Natural Resources
Governor
Lt. Governor
Director

September 2, 2011

RE: TRUMBULL COUNTY
VILLAGE OF YANKEE LAKE
YANKEE LAKE
NPDES PERMIT NO: OHC000003
OHIO EPA PERMIT NO: 3GC04773*AG
CONSTRUCTION STORM WATER INSPECTION

NOTICE OF VIOLATION

Mr. John Jurko
1820 State Route 7 NE
Brookfield, Ohio 44403

Dear Mr. Jurko:

Ohio EPA continues to receive complaints alleging discharges of sediment to Yankee Creek and offsite tracking of sediment into State Route 7.

On August 10, 2011, Ohio EPA performed an inspection of Yankee Lake, located at 1800 State Route 7 in the Village of Yankee Lake, Trumbull County (site). The facility was represented by Sean Morgan of Yankee Lake. I was accompanied by Dean Stoll and Tomas Parry of Ohio EPA. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04773*AG.

Storm Water Pollution Prevention Plan (SWP3)

On June 13, 2011, Ohio EPA received a copy of the revised SWP3 for the site. This notice of violation (NOV) serves to notify you that the SWP3 must be amended as it is not reflective of current onsite conditions and fails to include the following General Storm Water Permit requirements:

- The SWP3's site map must depict the limits of earth-disturbing activity of the site. Although the limits of earth disturbance have been depicted for the western portion of the site, the SWP3 does not include the limits of earth disturbing activity associated with the trails that have been constructed on the eastern portion of the site, located east of Yankee Run;
- The SWP3's site map must depict the soil types for all areas of the site, including locations of unstable or highly erodible soils. The SWP3 does not include the soil types for the eastern portion of the site, located east of Yankee Run;
- The SWP3's site map must include the existing and proposed contours, a delineation of drainage watersheds expected during and after major grading activities as well as the size of each drainage watershed, in acres. The SWP3 does not include this information for the eastern portion of the site, located east of Yankee Run;

- The SWP3's site map must include surface water locations including springs, wetlands, streams, lakes, water wells, etc., on or within 200 feet of the site, including the boundaries of wetlands or stream channels and first subsequent named receiving water(s) the permittee intends to fill or relocate for which the permittee is seeking approval from the Army Corps of Engineers and/or Ohio EPA. During previous inspections of the site, possible on-site wetlands and streams appear to be present on both the eastern and western portions of the site. The locations of all on-site wetlands and streams must be depicted on the site's SWP3 and must also include the eastern portion of the site;
- The SWP3 must include the existing and planned locations of buildings, roads, parking facilities and utilities. The roads located on the eastern portion of the site have not been depicted;
- The SWP3 must include the location of all erosion and sediment best management practices (BMP), including the location of areas likely to require temporary stabilization during the course of site development. No BMPs have been depicted for the northern and eastern portions of the site;
- The SWP3 shall be consistent with applicable State and/or local waste disposal, sanitary sewer or septic system regulations, including provisions prohibiting waste disposal by open burning. The SWP3 does not have any provisions regarding open burning of solid waste;
- The SWP3 must include sediment and storm water management basins noting their contributing drainage area. The contributing drainage areas have been provided; however, the drainage areas depicted do not appear to be correct based on the topographical contours provided. Please note that the dewatering and sediment storage zones associated with the sediment basins will increase; and
- Information must be provided that verifies that the sediment basin outlet structures have been modified to a minimum 48-hour drain time for sediment basins serving a drainage area over five acres.

Part III.C.3 of the General Storm Water Permit requires a permittee to revise an SWP3 within 10 days after receiving notification that it fails to satisfy Part III.G of the General Storm Water Permit. In addition, Part III.D of the General Storm Water Permit requires the SWP3 to be amended whenever there is a change in design, construction, operation or maintenance, which has a significant effect on the potential for the discharge of pollutants to surface waters of the State or if the SWP3 proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with construction activity.

Storm Water Inspection

The inspection documented that many of the site's installed BMPs were not functioning correctly. The inspection determined numerous violations of Ohio Revised Code Chapter 6111 and the General Storm Water Permit. The SWP3 must be revised to address the following violations:

- Part III.G.2.d.i of the General Storm Water Permit requires sediment control structures to be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the up slope development area is re-stabilized.
 - i. The silt fence that has been installed on the site requires maintenance (Figures 1 to 2). Silt fence must be trenched six inches into the ground with ends of silt fence segments rolled together;
 - ii. The northern sediment basin, not depicted on the SWP3, is not functioning as sediment-laden runoff is bypassing the outlet structure and discharging directly into Yankee Run (Figure 3);
 - iii. The sediment basin located on the southern portion of the site has not been installed as sediment-laden storm water runoff is discharging directly to Yankee Run (Figure 4);
 - iv. No BMPs have been installed on the eastern portion of the site to treat sediment-laden runoff from the roadways. Sediment-laden runoff was discharging directly into possible onsite wetland and streams throughout the site (Figures 5 to 7).
- Part III.G.2.g.i of the General Storm Water Permit requires that no solid or liquid waste, including building materials, shall be discharged in storm water runoff.
 - i. Solid waste materials (i.e. significant amounts of beer cans, broken automobile parts, tires, antifreeze, etc.) were discarded in locations where pollutants would be discharged during precipitation events (Figures 8 to 9).
- Part III.G.2.g.iv of the General Storm Water Permit requires that there shall be no turbid discharges to surface waters of the State resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice.
 - i. Numerous diversion channels have been constructed to dewater the roadways located on the eastern portion of the site. Sediment-laden runoff was being discharged directly into "surface waters of the State" (Figures 10 to 13).
- Part III.G.2.f of the General Storm Water Permit requires that if the project site contains any streams, rivers, lakes, wetlands or other surface waters, certain construction activities at the site may be regulated under the CWA and/or state non-jurisdictional stream and wetland requirements. Sections 404 and 401 of the Act regulate the discharge of dredged or fill material into surface waters and the impacts of such activities on water quality, respectively.

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- i. Numerous possible on-site wetlands and streams appear to have been impacted by fill placement activities (Figures 5 and 14). Please submit a copy of any wetland delineation report that has been performed for the site and any 401/404 permit that has been authorized by the Army Corps of Engineers.
- Open burning of solid waste is occurring on-site and must be terminated (Figure 15);

Conclusion

A written report detailing what corrective actions have been implemented to address the violations, detailed above, must be submitted to my attention by September 16, 2011. Ohio EPA formally requests a copy of the site's revised SWP3 be submitted by September 16, 2011 for review. The site's SWP3 must satisfy the requirements established within Part III.G of the Storm Water Permit. Should you have any question regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via email at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/mt

cc: Gary Bauer
Steven Hamit, KCI Associates of Ohio
Mahoning Trumbull Air Pollution Control Agency

ec: Alexander Kostra, USACE
Ed Wilk, Ohio EPA, NEDO, DSW
Katharina Snyder, Ohio Ohio EPA, NEDO, DMWM



Figure 1 - The installed silt fence requires maintenance.



Figure 2 - The installed silt fence requires maintenance.



Figure 3 - The northern sediment basin is not functioning as sediment-laden runoff is bypassing the outlet structure and discharging directly into Yankee Run.



Figure 4 - The sediment basin located on the southern portion of the site has not been installed.



Figure 5 - Sediment-laden runoff was discharging directly into possible onsite wetland and streams throughout the site.



Figure 6 - Sediment-laden runoff was discharging directly into possible onsite wetland and streams throughout the site.



Figure 7 - Sediment-laden runoff was discharging directly into possible onsite wetland and streams throughout the site.



Figure 8 - Solid waste materials must be properly managed.



Figure 9 - Solid waste materials must be properly managed.



Figure 10 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 11 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 12 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 13 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 14 - Numerous possible on-site wetlands and streams appear to have been impacted by fill placement activities.

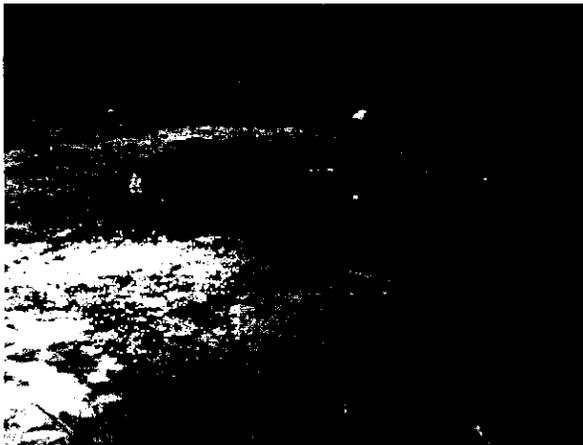


Figure 15 - Open burning of solid waste is occurring on-site and must be terminated.