

**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

April 21, 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:

On February 23, 2011, Ohio EPA was forwarded a complaint that was received by the U.S. Army Corps of Engineers (USACE). The complainant alleges that bridges on the site are causing water to back up and discharges of sediment are occurring to Yankee Creek.

On March 30, 2011, Ohio EPA performed an inspection of Yankee Lake, located at 1800 State Route 7 in the Village of Yankee Lake, Trumbull County. The facility was represented by Sean Morgan of Yankee Lake and Gary Bauer of 4x4's Unlimited, Inc. I was accompanied by Alexander Kostra and Matthew Mason of the USACE; Ed Wilk of Ohio EPA; and Jacob Gore of Trumbull County Soil and Water Conservation District. 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 Inspection**

The inspection documented that many of the best management practices that had been installed on the site were in a state of failure due to the recent large amounts of rain the Trumbull County area had received. Yankee Creek had recently "jumped" its channel due to high flow and was flowing through the disturbed portion of the site (Figure 1).

Ohio EPA's site inspection determined the following violations of Ohio Revised Code Chapter 6111 and the General Storm Water Permit:

- Part III.G.2.d.i of the General Storm Water Permit requires sediment control structures shall 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 upslope development area is re-stabilized. The silt fence that has been installed on the site requires maintenance (Figure 2). The sediment basin outlet structures have not been modified to include dewatering skimmers in order to prevent the discharge of sediment-laden runoff to "surface waters of the State" (Figure 3);

- Part III.G.2.d.v of the General Storm Water Permit requires that "if construction activities disturb areas adjacent to surface waters of the State, structural practices shall be designed and implemented on site to protect all adjacent surface waters of the State from the impacts of sediment runoff." Portions of the site drain sediment-laden runoff directly to numerous "surface waters of the State" (Figures 1 and 4 to 7). BMPs must be installed in numerous locations in order to prevent the discharge of pollutants to "surface waters of the State." Ohio EPA recommends that silt fence, diversion channels, and temporary sediment traps be installed; and
- Part III.G.2.b.i of the General Storm Water Permit requires that any disturbed areas within 50 feet of a "surface water of the State" and not at final grade must be temporarily stabilized within two days of the most recent disturbance if the area will remain idle for more than 21 days. In addition, any disturbed areas that will be dormant for more than 21 days but less than one year and not within 50 feet of a "surface water of the State" must be temporarily stabilized within seven days of the most recent disturbance within the area.

### **Storm Water Pollution Prevention Plan (SWP3)**

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.

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 requirements:

- I. Total area of the site and the area of the site that is expected to be disturbed (i.e., grubbing, clearing, excavation, filling or grading, including off-site borrow areas);

- II. An estimate of the impervious area and percent imperviousness created by the construction activity;
- III. A calculation of the runoff coefficients for both the pre-construction and post construction site conditions;
- IV. Existing data describing the soil and, if available, the quality of any discharge from the site;
- V. A description of prior land uses at the site;
- VI. An implementation schedule which describes the sequence of major construction operations (i.e., grubbing, excavating, grading, utilities and infrastructure installation) and the implementation of erosion, sediment and storm water management practices or facilities to be employed during each operation of the sequence;
- VII. The name and/or location of the immediate receiving stream or surface water(s) and the first subsequent named receiving water(s) and the areal extent and description of wetlands or other special aquatic sites at or near the site which will be disturbed or which will receive discharges from disturbed areas of the project;
- VIII. A cover page or title identifying the name and location of the site, the name and contact information of all construction site operators, the name and contact information for the person responsible for authorizing and amending the SWP3, preparation date, and the estimated dates that construction will start and be complete;
- IX. A log documenting grading and stabilization activities as well as amendments to the SWP3, which occur after construction activities commence;
- X. A site map showing the following:
  - a. Limits of earth-disturbing activity of the site including associated off-site borrow or spoil areas that are not addressed by a separate NOI and associated SWP3. The SWP3 does not depict the entire site, including the northern portion of the site, the eastern portion of the site, and all of the roadways that have been or will be constructed;
  - b. Soils types should be depicted for all areas of the site, including locations of unstable or highly erodible soils;

- c. 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;
  - d. 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;
  - e. The location of all erosion and sediment control practices, including the location of areas likely to require temporary stabilization during the course of site development;
  - f. Sediment and storm water management basins noting their sediment settling volume and contributing drainage area;
  - g. Permanent storm water management practices to be used to control pollutants in storm water after construction operations have been completed.
  - h. Areas designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas, areas designated for cement truck washout, and vehicle fueling; and
  - i. The location of any in-stream activities including stream crossings.
- XI. A description of the controls appropriate for each construction operation covered by this permit and the operator(s) must implement such controls;
- XII. A description of each major construction activity identified in Part III.G.1.g: (a) appropriate control measures and the general timing (or sequence) during the construction process that the measures will be implemented; and (b) which contractor is responsible for implementation (e.g., contractor A will clear land and install perimeter controls and contractor B will maintain perimeter controls until final stabilization). The SWP3 shall identify the subcontractors engaged in activities that could impact storm water runoff. The SWP3 shall contain signatures from all of the identified subcontractors indicating that they have been informed and understand their roles and responsibilities in complying with the SWP3;

- XIII. A description of control practices designed to re-stabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year;
- XIV. The measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring;
- XV. A description of structural practices that shall store runoff allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Information must also be included that documents the sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft<sup>3</sup>) per acre of drainage (67 yd<sup>3</sup>/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be 1000 ft<sup>3</sup> per disturbed acre within the watershed of the basin; and
- XVI. The post-construction storm water practices that will be utilized to provide perpetual management of runoff quality and quantity so that the receiving stream's physical, chemical, and biological characteristics are protected and stream functions are maintained.

### **Surface Water Protection**

Part III.G.2.f of the General Storm Water Permit states 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."

The inspection documented possible impacts to "surface waters of the State." Matters related to the permitting of the possible impacts are to be addressed under separate cover via Mr. Kostra and Mr. Wilk.

### **Conclusion**

A written report detailing what corrective actions have been implemented to address the violations, detailed above, must be submitted to my attention by May 5, 2011. Ohio EPA formally requests a copy of the site's revised SWP3 be submitted by May 5, 2011 for

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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.state.oh.us](mailto:chris.moody@epa.state.oh.us).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/mt

cc: Gary Bauer

ec: Alexander Kostra, USACE  
Matthew Mason, USACE  
Ed Wilk, Ohio EPA 401 Section, NEDO, DSW



**Figure 1** - Yankee Creek had recently "jumped" its channel due to high flow and was flowing through the disturbed portion of the site.



**Figure 2** - The silt fence that has been installed on the site requires maintenance.



**Figure 3** - The sediment basin outlet structures have not been modified to include dewatering skimmers in order to prevent the discharge of sediment-laden runoff.



**Figure 4** - Portions of the site drain sediment-laden runoff directly to numerous "surface waters of the State."



**Figure 5** - Portions of the site drain sediment-laden runoff directly to numerous "surface waters of the State."



**Figure 6** - Portions of the site drain sediment-laden runoff directly to numerous "surface waters of the State."



**Figure 7** - Portions of the site drain sediment-laden runoff directly to numerous "surface waters of the State."