

**Environmental
Protection Agency**

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

April 22, 2011

RE: Wayne County
City of Orrville
JM Smucker Co – Project Heritage
Construction Storm Water

Mr. Bob Metze
JM Smucker Co
1 Strawberry Lane
Orrville, OH 44667

Mr. Greg Alber
Dennis Alber Excavating Inc
1904 Remsen Rd.
Medina, OH 44256

Dear Mr. Metze and Mr. Alber:

On March 21, 2011, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced construction site. While on-site, I met with Dave Olsen of the Dennis Group, construction site managers, and Darren Alber of Alber Excavating Inc. In addition, I spoke via telephone with Carlos Bastos, project engineer for the Dennis Group. Our records indicate that storm water discharges from this construction site have been authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05067*AG.

Sediment and Erosion Control Plan

The Storm Water Pollution Prevention Plan (SWP3) depicts BMPs that are to be implemented during two main “steps” within the construction process. During Step 1, the majority of surface runoff is to be directed to one of three temporary sediment traps (Trap #1, #2 and #3). By Step 2, it was envisioned that perimeter silt fence and storm drain inlet protection would be adequate to control runoff from the site. Although Step 2 calls for the installation of Detention and Stormwater Quality Basin #1, the plan does not indicate that the structure is to be used as a sediment basin during the construction process.

The sediment and erosion control plan actually being implemented on site is different than the plan depicted in the SWP3. On the date of inspection, Sediment Trap #1 and #2 had been removed and runoff was being directed to Detention and Stormwater Quality Basin #1. Although a temporary riser pipe has been installed on the outlet structure in an attempt to establish a sediment basin, the SWP3 has not been updated to reflect this change in design and construction. As such, Ohio EPA has insufficient information to verify compliance with NPDES permit requirements.

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Ohio EPA is not opposed to a temporary modification to Detention and Stormwater Quality Basin #1 so that it can act as a sediment basin during the construction process, however the modifications must ensure compliance with design standards and requirements for sediment basins (see enclosure). Please review the sediment and erosion control scheme being implemented to ensure compliance with regulatory requirements. Update the SWP3 as needed to reflect any changes in design and construction related to Detention and Stormwater Quality Basin #1 and the elimination of Sediment Traps #1 and #2. Please provide me with a copy of any SWP3 updates, including all supporting calculations and stage-storage data to demonstrate compliance. The SWP3 must be kept up to date at all times.

Site Inspection

The following deficiencies in sediment and erosion control require your immediate attention:

- The Rock Construction Entrance (RCE) depicted on the SWP3 off Mill Street has not been installed. Vehicles are accessing the site from this location and sediment was being tracked onto Mill Street on the date of inspection. Please install the RCE as depicted in the SWP3. Because the RCE will slope toward Mill Street, be sure to include the right-of-way diversion depicted in the RCE detail drawing shown on Drawing No. CN502.
- Storm drain inlet protection depicted on the SWP3 on Mill Street on Drawing CE101 has not been installed. Please install inlet protection as shown on the SWP3 to minimize the discharge of sediment to the storm sewer system.
- An additional area has been disturbed along the fenceline on Mill Street. Please extend the silt fence across the entire disturbed area to ensure that runoff from disturbed areas passes through a sediment control.
- The silt fence along the south side of the clearing back to Detention and Storm Water Quality Basin #1 has not been installed. Silt fence is required to protect the wetlands from sedimentation. Please install as depicted in the SWP3.
- Where installed, some sections of silt fence require maintenance. An area of particular concern was near the culvert pipe which conveys the "Existing Stream to Remain" depicted on Drawing No. CE101.
- To facilitate drainage from working areas of the site, a swale has been cut toward the silt fence just south of the culvert noted in the item above. Installation of a swale results in the creation of concentrated flow. Concentrated flow should not be directed to silt fences as they are not intended to control concentrated flow. A

better solution would be to remove the swale and re-grade the area to allow positive drainage, but ensure that runoff flows toward the existing silt fence as sheet flow. Another solution is to cut a swale to Sediment Trap #3, and if necessary, enlarge the trap to account for any additional drainage area being directed to it.

- Sediment Trap #3 requires maintenance. Sediment accumulated within the trap must be dredged to restore the sediment storage volume (wetpool) depicted on Drawing No. CN502.
- To increase length-to-width ratio, i.e., create a longer flowpath between inlet and outlet, it is recommended that the outlet of Sediment Trap #3 be relocated to the south end of the trap. Currently, the outlet is immediately adjacent to the point where runoff enters the trap. This short-circuiting reduces the sediment removal efficiency of the trap.

Post-Construction Best Management Practices

Although Drawing No. CE102 indicates that Detention and Storm Water Quality Basin #1 will be installed, the information submitted to Ohio EPA on December 1, 2010, by the Dennis Group does not provide any information about the permanent design of the basin or demonstration on how the permanent basin design meets Ohio EPA post-construction requirements contained in Part III.G.2.e of the NPDES permit. This information is to be contained in the SWP3. Please delineate the post-construction drainage area to Detention and Storm Water Quality Basin #1 and provide me with (i) a calculation of the Water Quality Volume, (ii) stage-storage data and (iii) dewatering orifice sizing calculations needed to demonstrate compliance with regulatory requirements. In addition, provide me with a copy of the long-term maintenance plan for the Detention and Storm Water Quality Basin #1 as required by Part III.G.2.e of the NPDES permit.

Further, upon reviewing the post-construction storm water management plans located in the construction trailer, it was noted that the storm sewer system servicing Catch Basins No. 9 through 13 does not discharge to Detention and Storm Water Quality Basin #1, but rather to Wetland B. No post-construction BMP has been provided to treat runoff conveyed through this storm sewer system prior to Wetland B, i.e., a water of the state. This is a violation of Part III.G.2.e of the NPDES permit. This issue was discussed via telephone with Mr. Bastos. Mr. Bastos indicated that JM Smucker has made application to the United States Army Corps of Engineers and Ohio EPA for additional impacts to the wetlands and, once those plans are approved, the intention is to convey runoff from this system to Detention and Storm Water Quality Basin #1. Thus, the post-construction BMP plan is based on a presumption that the Corps and Ohio EPA will issue an additional Section 404 permit and accompanying Section 401 water quality certification.

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I contacted the Corps and our Section 401 program coordinator to inquire about the status of this permit application. The permit is still going through the review process and, if a permit is issued, this is not expected to occur for some time. Ohio EPA's storm water program cannot rely on a presumption that may never come true. As such, JM Smucker must develop a post-construction plan in compliance with the NPDES permit. The NPDES permit requires storm water discharges to Wetland B to first pass through a structural post-construction BMP. In addition, concentrated storm water, such as the discharge from a storm sewer system, must be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Please submit a post-construction BMP plan in compliance with NPDES permit requirements.

Please provide me with a letter of response indicating the actions you will take or have taken to address the deficiencies noted above. Include a copy of the updated SWP3 and any supporting calculations and documents needed to demonstrate compliance with the NPDES permit. Your response should be received **no later than May 6, 2011**.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,

A handwritten signature in black ink that reads "Bill Zainik for". The signature is written in a cursive, flowing style.

Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Rob Misutka, JM Smucker Co
Lynn Snyder, Engineer, Village of Orville
David Handwerk, Mayor, City of Orrville
Steve Wheeler, Public Service and Safety Director, City of Orrville



Fig 1 & 2. The rock construction entrance off Mill Street has not been installed. Sediments tracked off-site are making their way into unprotected storm inlets on Mill Street.



Fig 3 (LEFT). Unplanned earth disturbance has occurred along Mill Street. Additional perimeter controls are needed to address runoff from this area.

Fig 4 (RIGHT). Detention and Storm Water Quality Basin #1 has been fitted with a riser pipe in an attempt to establish a sediment basin, however the SWP3 has not been updated to reflect this change and engineering design has not been reviewed to ensure that the modifications made meet sediment basin design specifications.

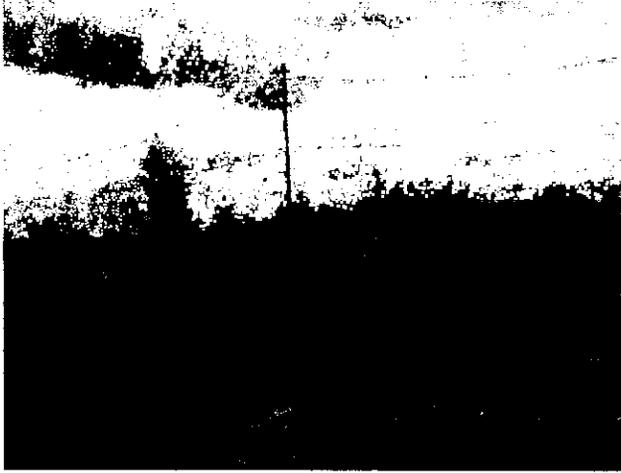


Fig 5 (LEFT). Areas disturbed by construction, but that are inactive, such as these soil stockpiles near Detention and Storm Water Quality Basin #1, require temporary stabilization. Please seed and mulch all such areas.

Fig 6 (RIGHT). Ohio EPA is concerned that there is insufficient rip-rap to protect the receiving stream from erosive discharges from Detention and Storm Water Quality Basin #1. Further, the angle at which discharge to the receiving stream occurs will likely lead to accelerated streambank erosion on the side opposite the pipe.

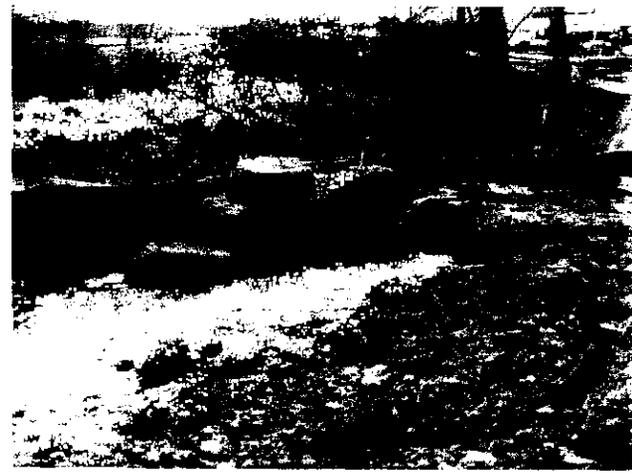


Fig 7 (LEFT). Silt fence has not been installed along the south side of the clearing that leads back to Detention and Storm Water Quality Basin #1. Please install as depicted on the SWP3.

Fig 8 (RIGHT). The remnants of Temporary Sediment Trap #2. This area should be filled in and rough graded per final plan such that only sheet flow runoff is conveyed to the silt fence.



Fig 9 (LEFT). Construction debris must be kept out of the protected Wetlands. Please employ good housekeeping practices to remove debris from wetlands and dispose of it in a dumpster.

Fig 10 (RIGHT). The trash dumpster is not lidded and no tarp was observed nearby. Note that the dumpster was not covered on the date of inspection.



Fig 11 & 12. A swale has been cut to drain the construction site toward the perimeter silt fence, resulting in a concentrated flow of storm water to the silt fence. An appreciable amount of sediment was observed in the wetlands downslope of the silt fence.



Fig 13. The inlet and outlet of Sediment Trap #3 are adjacent to one another. The basin would be more effective if the flow path between inlet and outlet is lengthened. This may be accomplished by using a baffle or relocating the outlet to the south end of the trap. In addition, there is significant deposition of sediment at the inlet. This area should be dredged to restore the sediment storage capacity of the trap.



Fig 14. Silt fence along the construction entrance off Clark Street requires maintenance.