



**Environmental
Protection Agency**

Teo Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

September 24, 2010

RE: Wayne County
Upper Muskingum River Watershed
City of Rittman
New Rittman High/Middle School

Mr. Jon Ritchie
Rittman Exempted Village School District
75 N. Main St.
Rittman, OH 44270

Ms. Angela Latessa
Richard L. Bowen & Associates Inc.
13000 Shaker Blvd.
Cleveland, OH 44120

Dear Mr. Ritchie and Ms. Latessa:

On September 2, 2010, I performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site. While on site, I spoke with Angela Latessa, project superintendent for Richard L. Bowen & Associates, construction site managers, and Dave Juchnowski, project superintendent for C.T. Taylor Construction, building contractor. Our records indicate that storm water discharges from this project are authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04408*AG.

My inspection revealed the following:

- **Sediment Basin.** The Storm Water Pollution Prevention Plan (SWP3) calls for the wet extended detention pond to be modified during construction to act as a sediment basin. A review of the pond indicates that the post-construction outlet structure is in place rather than the intended outlet for sediment control. Thus, the pond is not providing the intended sediment control function. The sediment control outlet is to remain in place until the site has been permanently stabilized.

Further, the detail drawing which provides instruction on how to establish the sediment control outlet is based on an outdated specification that does not meet the requirements of the NPDES permit. Sediment basins must provide a sediment storage volume of at least 1000 cubic feet per acre of disturbed area, a dewatering volume of at least 67 cubic yards per acre of total contributing drainage area, and an outlet structure which drains the dewatering volume no

faster than 48 hours. The sediment storage volume is to be provided within a permanent pool below the invert of the dewatering device. The preferred dewatering device is a skimmer as it draws water from the top of the pond where it is cleanest. Riser pipes may still be used, but they must be designed per the drain time requirement.

Note that these design requirements are different than the requirements for post-construction water quality control. Wet extended detention ponds must provide a permanent pool equal to at least 95% of the Water Quality Volume (WQv) and provide extended detention of 75% of the WQv. The orifice that drains the extended detention volume is to be designed for a 24-hour drain time. Thus, it is not possible to use the permanent pond outlet as your sediment control structure during construction. Please contact the project engineer and review your options for bringing the basin outlet structure into compliance with NPDES permit requirements.

- **Inlet protection.** Storm drain inlet protection has not been constructed per the specifications contained in the SWP3. Please install inlet protection as shown in the detail drawings contained in the SWP3.
- **Mortar mix area.** Slurry from mortar mixing is not being controlled. Please be aware that washwater from mortar mixing operations is a wastewater and is not authorized to be discharged by the NPDES permit. You must implement BMPs to prevent the discharge of wastewater into the storm sewer system. Typically BMPs employed include the establishment of a washout pit or berming to contain washwater. Discharge to a sanitary sewer may be an option if permission from the wastewater treatment plant operator is obtained.

Administrative Matters

A review of our records does not indicate that Richard L. Bowen & Associates has submitted a Co-permittee Notice of Intent (Co-permittee NOI). Please be aware that the NPDES permit requires all parties that meet the definition of operator to obtain NPDES permit coverage. Operator is defined as any party with control over construction plans or day-to-day operations at the construction site. Richard L. Bowen & Associates is the construction manager and meets the second part of this definition. **Failure to obtain NPDES permit coverage is a violation of Ohio Revised Code 6111.04 and Ohio Administrative Code 3745-38-06.** To correct this violation, Richard L. Bowen & Associates must submit a Co-Permittee NOI. The form and instructions are available on-line at www.epa.ohio.gov/dsw/storm/stormform.aspx.

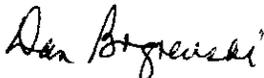
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Further, the permittee has a duty to inform all contractors and subcontractors not otherwise defined as operators of their obligations under the SWP3. To demonstrate that this has occurred, Part III.E of the NPDES permit requires the permittee to maintain a written document or certification statement signed by the contractors and subcontractors acknowledging review and understanding of SWP3 requirements. A sample certification statement can be found in Appendix H of the US EPA guidance manual titled ***Developing Your Storm Water Pollution Prevention Plan: A Guide for Construction Sites*** available on-line at www.epa.gov/npdes/stormwater/construction. C.T. Taylor Construction would be a contractor subject to this requirement. Please be sure that the required documentation is in place for all contractors and subcontractors whose work can impact compliance with the SWP3. A copy of this documentation should be available with the SWP3 onsite.

Please provide me with a letter of response indicating the actions you have taken to address these concerns. Include any amendments made to the SWP3 with your response. Your response should be received **by October 8, 2010**. Failure to comply with the NPDES permit is a violation of ORC 6111.04 and 6111.07 and is punishable by fines.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Dave Juchnowski, C.T. Taylor Construction
Larry Boggs, City Manager, City of Rittman