



Environmental
Protection Agency

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

Re: Hancock County
City of Findlay/Flag City Youth Football
Construction
Storm Water

June 22, 2011

Ms. Meghan Clement, P.E.
Interim City Engineer
City of Findlay
318 Dorney Plaza, Room 304
Findlay, Ohio 45840

Certified Mail 7009 1410 0001 1842 5092

Mr. Bill Gilley
Flag City Youth Football
P. O. Box 1320
Findlay, Ohio 45839

Certified Mail 7009 1410 0001 1842 5085

Dear Ms. Clement and Mr. Gilley:

On June 13, 2011, I observed that construction activities have occurred south of Northpark Drive and east of an existing Hancock County Rec Center parking lot, Findlay (photos taken). Based on the Hancock County Auditor's map, this property is owned by the City of Findlay. I spoke with Ms. Clement on June 16, 2011, and she stated that Flag City Youth Football is building a youth football complex on the site. While the site was not active at the time of my visit, it appeared that approximately 3 acres had been disturbed.

Storm water runoff from construction activities which will result in a cumulative earth disturbance of one acre or more are required to have permit coverage under Ohio EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit, or CGP). Construction activities include, but are not limited to: clearing, grading, grubbing, filling, and excavating. We do not have record of permit coverage being granted for this project. **Failure to obtain NPDES permit coverage prior to this is a violation of Ohio Revised Code (ORC) Section 6111.04.**

Construction General Permit

To obtain coverage under the Construction General Permit, follow these steps, in order:

- 1) Read the Permit. When signing the Notice Of Intent (NOI) permit application, you are in effect stating that you have read the permit and intend to comply with its requirements. A copy can be found at:

http://epa.ohio.gov/dsw/permits/GP_ConstructionSiteStormWater.aspx

Ms. Meghan Clement, P.E.
Mr. Bill Gilley
June 22, 2011
Page Two

- 2) Develop a Storm Water Pollution Prevention Plan (SWP3) for the construction site. A checklist is at: http://epa.ohio.gov/dsw/storm/const_SWP3_check.aspx. Best Management Practices used to meet permit conditions must meet the standards in the Rainwater and Land Development Manual, Third Edition 2006, by ODNR. A copy may be found at <http://www.dnr.state.oh.us/water/rainwater/default/tabid/9186/Default.aspx>.
- 3) Submit an NOI requesting coverage for your discharges under the CGP. The one page form and its instructions may be downloaded from: <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

The NOI is required to be submitted at least 21 days prior to the start of construction activities. The application fee is based on the size of the site (see the Storm Water Fee Table attached to the NOI instructions). Please note that permit coverage is not automatic upon submittal of an NOI. The applicant is not authorized to discharge until they receive a letter signed by the Director of Ohio EPA, granting them permit coverage.

- 4) Ensure that contractors, subcontractors and staff understand their roles in carrying out the SWP3. In addition, Part II.A of the Construction General Permit requires all operators at a construction site to become co-permittees. An operator is any party associated with a construction project that meets either of the following two criteria:
 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

For future construction activities, if you employ a contractor for the day-to-day operational control of the project, you must also notify them of the need to obtain permit coverage and to submit a Co-Permittee NOI. The Co-Permittee NOI may be downloaded from our website at: <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

- 5) Implement the SWP3 and proceed with construction, including regular maintenance and inspection of sediment and erosion controls and storm water management facilities.

With regards to the condition of the site itself ... A stone construction entrance was in place. No sediment tracking was evident. A catch basin and storm sewer appeared to have been installed along the south side of the site. Silt fence had been installed on the north, west, and south sides. However, the joints had been installed incorrectly, resulting in gaps, the fabric was sagging, and there were no sediment controls around the catch basin. Failure to maintain the silt fence would be a violation of Part III.G.2.h. of the permit. Failure to correctly install the silt fence would be a violation of Part III.G.2.d.iv. of the permit. Unless the catch basin drains to an appropriately designed sediment settling pond, the lack of inlet protection would be a violation of Part III.G.2.d.iv. of the permit. **These items must be remedied.**

Ms. Meghan Clement, P.E.
Mr. Bill Gilley
June 22, 2011
Page Three

The majority of the site had been cleared and rough graded. The soil was weathered and there was no earth moving equipment present. An unstabilized soil stockpile was present on the west side of the site. The permit requires: Portions of the construction site which will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Temporary stabilization is required prior to the onset of winter weather for ground that will be idle over winter. Permanent stabilization is required within 7 days on any portion of the site that has reached final grade or will be idle for longer than 1 year. Soil stabilization practices shall be initiated within two (2) days on inactive, barren areas within 50 feet of a surface water. Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented. Failure to stabilize all bare and idle areas would be a violation of Part III.G.2.b.i. of the permit. **All areas not being actively worked must be stabilized as per the requirements of the permit.** We recommend that all inactive, unstable areas be seeded and mulched (straw at 2 tons/acre).

Findlay's Small MS4 General Permit

The inspection also served to evaluate the City's progress in developing and implementing portions of their Storm Water Management Program (SWMP) under the NPDES permit for storm water discharges from the Municipal Separate Storm Sewer System (Small MS4 General Permit), Facility ID No. 2GQ00037. Since this is the City's first permit cycle, the City has until June 5, 2014, to fully develop, implement and enforce their SWMP. From my conversation with Ms. Clement, it appears that the plans for this development were not reviewed. The Small MS4 General Permit requires the City to conduct pre-construction plan review for sediment and erosion controls, non-sediment pollutant controls, and post-construction storm water management on all projects that are construction activities which result in a one acre or more land disturbance. The permit also requires the City to perform an initial compliance inspection and monthly follow-up inspections. Construction sites without required NPDES permit coverage which discharge to the City's MS4 are considered an illicit discharge. Under the Small MS4 General Permit, the City is required to develop, implement, and enforce a program to detect and eliminate illicit discharges. **The City will need to address these SWMP deficiencies.**

Conclusion

Please complete and submit an NOI application to obtain Construction General Permit coverage. This application must be mailed to our Columbus office (address provided in the instructions) and a copy to the Northwest District Office (NWDO) within ten days of the date on this letter. Your response to the Northwest District Office must include the dates, either actual or proposed, for completion of any actions taken to insure compliance with the CGP and the Small MS4 permit.

If you feel this letter is in error, your response to NWDO must indicate the reasons, along with a scaled site map showing the limits of disturbance for the entire project, or a copy of your approval letter granting coverage under the CGP.

Ms. Meghan Clement, P.E.
Mr. Bill Gilley
June 23, 2011
Page Four

If there are any questions, please contact me at (419) 373-3009.

Sincerely,

Lynette M. Hablitzel, P.E.
Division of Surface Water

/cs

pc: DSW, NWDO File ..

5805 2491 1842 5085
440 0001 1000 0147
LNNJ

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

NO RETRIEVAL USE

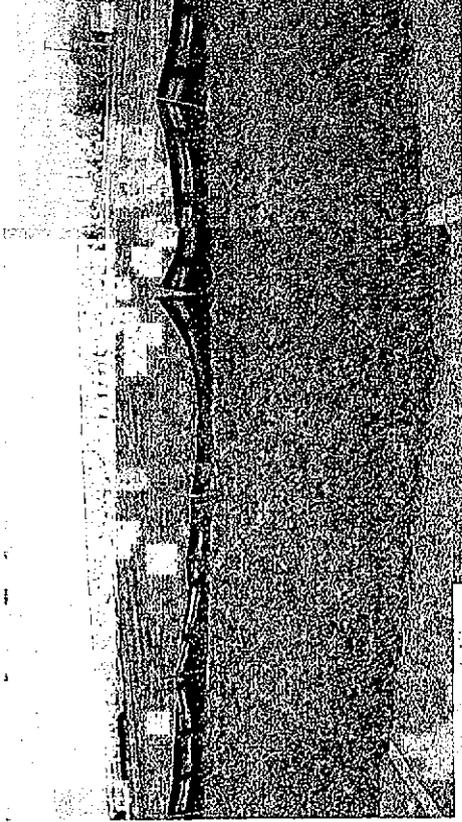
Postage	\$.44
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.59

OHIO EPA
Postmark Here
JUN 22 2011
RECEIVED

Sent To: Flag City Youth Football
Street, Apt. No. or PO Box No. P.O. Box 1320
City, State, ZIP+4 Fenolloy Ohio 45839

PS Form 3800, April 2008

6/13/2011 Hancock County, City of Findlay/Flag City Youth Football. South side of site, looking north. Geotextile off stake; gap in fenceline. Ground not stabilized. Taken by Lynette Habitzel. FlagCityFootball_06132011_01.jpg and FlagCityFootball_06132011_02.jpg



6/13/2011 Hancock County, City of Findlay/Flag City Youth Football. Southeast corner of site, looking west. Geotextile off stake. Ground not stabilized. No inlet protection around catch basin. Taken by Lynette Habitzel. FlagCityFootball_06132011_03.jpg

