



**Environmental
Protection Agency**

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

Re: Lucas County
Kroger Fuel Center N870
Construction
Storm Water

August 2, 2010

Demetrius Williams
The Kroger Co
4111 Executive Parkway
Westerville, Ohio 43081

Dave White
Lawrence Building Corporation
8401 Fritz Road
Fort Wayne, Indiana 46818

Dear Sirs:

On July 14, 2010, Sarah Clement and Eric Budge inspected Kroger Fuel Center N870 on the northeast corner of Holland Sylvania Road and Bancroft Street in Toledo, Ohio. The purpose of our visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity, Facility ID NO 2 GC02319*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. As a result of the inspection, your site may be eligible for termination of your NPDES permit.

It appears that construction activities at Kroger Fuel Center N870 are complete. The fuel pumps were installed and working, the lot was paved, and the disturbed land had been seeded. Accordingly, a Notice of Termination (NOT) must be filed to relieve you of the obligation to comply with this general permit. An NOT may be filed if one or more of the following conditions are met:

- Final stabilization has been established on all areas of the site for which the permittee is responsible. Final stabilization means that either:
 1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover of at least 70% density has been established over the entire site. All temporary erosion and sediment controls have been removed, properly disposed of, and all trapped sediment has been permanently stabilized; or
 2. For construction projects on land used for agricultural purposes, final stabilization may be accomplished by returning the disturbed land to its pre-construction agricultural use. If not returned to its pre-construction agricultural use, the land must meet the final stabilization criteria of (1) above; or

Mr. Demetrius Williams
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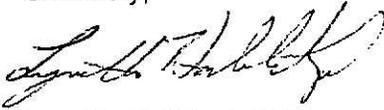
- Another operator(s) has assumed control over all areas of the site that have not been fully stabilized.

Your site does not meet the above criteria at this time. The bottom of the detention basin on the west side of the site has no vegetative growth. I recommend reseeded this area in order to achieve a vegetative density of 70%.

When a uniform growth density of 70% has been achieved across the entire site, you will be eligible to file the NOT form. The form can be found on our website:
<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>. NOTs must be filed within 45 days of when the above criteria are met.

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

Sincerely,



Lynette Hablitzel, P.E.
Division of Surface Water
Storm Water Program

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Pc 
Robin L. Whitney, Commissioner, Division of Engineering Services, City of Toledo
Tim Murphy, Manager, Division of Environmental Services, City of Toledo