



2GC0045320090729

MARION EAGLE CRK THIRD ADDITION

2GC00453 2009/07/29

MEIENBURG,
DANIELLE

MARION



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Marion County
Eagle Creek Third Addition
Construction
Storm Water

July 28, 2009

Don Easley and Don Jury
Mr. Don Easley
4464 DeCliff - Big Island Road
Marion, Ohio 43302

Dear Mr. Easley:

On July 20, 2009, I inspected the Eagle Creek Subdivision Third Addition on Eagle Creek South, in Marion (pictures taken). The purpose of my 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. 2GC00453. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Ohio EPA has no record of other permittees for this site.

As a result of the inspection, I have the following comments:

1. At the time of inspection, the site was inactive. The roads and utilities have all been installed. Due to the absence of personnel or a construction trailer, the Storm Water Pollution Prevention Plans (SWP3) and inspection logs were not available for review.
2. Weed growth was evident on two vacant lots in Phase III of the subdivision. The ground was bare and weathered. It appeared that the timeframes for stabilization had been exceeded. *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. 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. 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 do so is a violation of Part III.G.2.b.i. of the permit.* I recommend that at least temporary stabilization be applied in the form of straw mulch at 2 tons per acre until fall, when weather conditions are suitable for seeding.
3. There appeared to be a retention pond on the property. This structure is required to meet the design requirements for a sediment settling pond until construction activities have ended and a perennial vegetative cover of 70% density has been achieved over the tributary area. Without reviewing the SWP3, I am unable to determine if the pond meets the requirements of the permit.

Mr. Don Easley
July 28, 2009
Page Two

Permit Requires: Settling ponds must be sized at 67 cubic yards per acre of total contributing drainage area, have a 2:1 length to width ratio between inlets and the outlet, and have a maximum depth of 5 ft. *Please see Part III.G.2.d.ii. of the permit.* It will be necessary to modify the pond if it does not already meet all of these requirements.

4. I observed sediment in the curbs. The catch basins near the earth disturbance did not have any inlet protection. During our July 24, 2009, phone conversation, you indicated that the catch basins on the north side of the road do not drain to the pond, but go directly to Crissinger Ditch. *Permits Requires:* Practices shall minimize sediment laden water entering active storm drain systems unless they drain to a sediment settling pond. *This is a violation of Part III.G.2.d.iv. of the permit.*
5. The permit requires that structural post-construction Best Management Practices (BMPs) be installed as part of the site's permanent drainage system. These BMPs must be sized to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in Ohio Administrative Code 3745-1. An additional volume equal to 20% of the WQv shall be incorporated into the BMP for sediment storage and/or reduced infiltration capacity. Outlets must be designed to meet the drain times in Table 2 of the permit, with no more than half the required extended detention volume being released in the first third of the required detention time. As the catch basins on the north side of the road drain directly to Crissinger Ditch, these requirements do not appear to have been met. *This is a violation of Part III.G.2.e. of the permit.*

Eagle Creek 4th Addition

On July 20, 2009, I observed that excavating, as well as other construction activities had occurred on Eagle Creek 4th Addition. Streets and utilities have been installed. As of the date of this letter, an NPDES permit application has not been received nor permit coverage granted for this project. **Failure to obtain NPDES permit coverage is a violation of ORC 6111.**

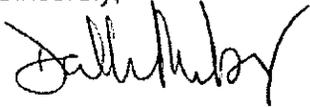
At present, we view the site as discharging storm water unlawfully. Please complete and submit an NOI application and include a completed Co-Permittee NOI, if relevant. Applications may be downloaded off our web site: <http://www.epa.state.oh.us/dsw/storm/stormform.html>. These applications must be mailed 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 written response to the Northwest District Office must also include the dates, either actual or proposed, for completion of any actions taken to insure compliance of both Phase III and IV with the CGP. Please assess the retention ponds and include verification that they currently meet the design requirements of the permit for a sediment settling pond and that their post-construction design meets the permit requirements for treating and releasing the WQv. Your reply must include details on the type and design of the post construction BMPs that will serve the development.

Mr. Don Easley
July 28, 2009
Page Three

If there are any questions, please contact me at (419) 373-3006 or Lynette Hablitzel at (419) 373-3009.

Sincerely,



Danielle Meienburg
Division of Surface Water
Storm Water Program

/lb

pc

~~NWDG:ETB~~

Mr. Jay Shoup, Service Director City of Marion
Ms. Carol Mason, Storm Water Management Coordinator