



2GC0105820110819

MARION KOHL'S - MARION 2GC01058 2011/08/19 DELANCEY, JUDSON



**Environmental
Protection Agency**

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

Re: Marion County
Kohl's-Marion
Construction
Storm Water

August 19, 2011

Mr. Kevin Hall
Max A. Findlay Inc.
P.O. Box 389
Chagrin Falls, Ohio 44022

Dear Mr. Hall:

On June 15, 2011, Ohio EPA representative Judson Delancey inspected the Kohl's-Marion on McMahon Boulevard, Marion Township. The purpose of the 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. 2GC01058*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111.

It appears that the construction activities at the Kohl's-Marion are near completion. 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 have been met:

- Final stabilization has been achieved on all portions of the site for which the permittee is responsible. Final stabilization means either that:
 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 control measures 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 in (1).
- Another operator(s) has assumed control over all areas of the site that have not been fully stabilized.

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Your site appears to meet the above criteria. If you also believe this to be true and have installed the required post-construction storm water management facilities, please file the NOT form. The NOT form and instructions can be found on our website:
<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>. NOTs must be filed with Ohio EPA's Central Office within 45 days of when the above criteria are met.

The NOI indicates that Kohl's-Marion is over six acres, making it a large construction activity under the terms of the permit. As such, permanent structural post-construction Best Management Practices (BMPs) must be installed 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. BMP types and drain times shall meet those in Table 2 of the permit. No structural post construction storm water management controls were evident. *This is a violation of Part III.G.2.e. of the permit.* Please send a written reply within ten days of the date of this letter describing how this requirement will be met. Your reply should include the type(s) of practices you are implementing, the basis for their design, and installation dates.

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

Sincerely,



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

JD/jlm

pc: Bradley Irons, P.E., P.S., Marion County Engineer
Marion County SWCD
Charles Fosnaugh, Marion Township Zoning Inspector
NWDO File