



2GC0253320100827

MARION | MARION DUKE/DUCHESS SHOPPE | 2GC02533 2010/08/27 | DELANCEY, JUDSON | MARION



**Environmental
Protection Agency**

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

Re: Marion County
Marion Duke/Duchess Shoppe
Construction
Storm Water

August 27, 2010

Mr. John Gordan
Englefield Oil Company
447 James Parkway
MidOhio Industrial Park
Heath, Ohio 43056

Mr. Jason Deboard
Layton Excavating
169 Dayton Road
Newark, Ohio 43055

Dear Mr. Gordan and Mr. Deboard:

On June 8, 2010, Sarah Clement and Judson M. Delancey IV inspected the Marion Duke and Duchess Shoppe at 1881 Marion Mount Gilead Road, Marion. 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. 2GC02533*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Jason Deboard of Layton Excavating was present to provide information on the project. Ohio EPA has no record of other permittees at this site.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) application for this project. This form is used by construction site operators, as defined in Part VII.O. of the construction General Permit (CGP), to become co-permittees with the initial permittee of a construction site. Please note that Part II.A of the CGP **requires all operators at a construction site to become co-permittees**. Mr. Deboard indicated that Layton Excavating is acting as general contractor and responsible for the day-to-day operation of the site. Please send a Co-Permittee NOI to this office or an explanation of why Layton Excavating is not an "operator." Copies of the Co-Permittee NOI may be downloaded from our website at <http://www.epa.ohio.gov/dsw/storm/index.html>.

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

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1. At the time of inspection, construction at the site was ongoing. The building and the pumps had been built and installed. All pavement had been laid. Workers were in the final stages of putting top soil down and adding seed and mulch. Less than one acre was disturbed and barren.
2. A Storm Water Pollution Prevention Plan (SWP3) had been developed for the site and was available. A general overview indicated some deficiencies in the plan and its implementation. For example, the curb inlets did not have inlet protection as was shown on the plans. The site map must reflect current site conditions. *This is a violation of Part III.G. of the permit.*
3. Inspection logs were not kept. Inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include: inspector name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with part V.G. of the permit. *This is a violation of Part III.G.2.i. of the permit.*
4. Storm drain inlet protection had not been installed. *Permit 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.* If inlet protection had been installed, it should have remained in place until the upslope area had reached a 70% density of perennial vegetative cover.

Within 10 days of the date on this letter, please submit to this office **written notification** as to the reasons for the above mentioned comments as well as the actions take or proposed to prevent future violations. Your response should include the dates, either actual or proposed, for the completion of the actions. The permit requires that post-construction Best Management Practices (BMPs) are installed during construction to control pollutants in the storm water discharges that will occur after construction has concluded. Such practices may include, but are not limited to: storm water extended detention structures; retention structures; water quality swales; and bioretention areas. Please include in your reply a description of the post-construction BMPs that will be installed. Your reply shall include the type(s) of practices, the basis for their design, and their installation dates.

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

Sincerely,



Lynette Hablitzel, PE
Division of Surface Water
Storm Water Program

/llr

pc: DSW-NWDO-File
Steven Morris, City of Marion WPC