

**Environmental
Protection Agency**

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

April 15, 2011

Re: Scioto County
Clay Local School District
Storm Water Construction Activity
Notice of Violation
0GC01276*AG

Mr. Tony Mantell
Clay Local School District
44 Clay High Street
Portsmouth, Ohio 45662

Dear Mr. Mantell:

On March 24, 2011, I inspected the Clay Local School District Project in Scioto County. The purpose of the inspection was to determine the compliance status of the sites with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspections were conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

1. Part III.G.2.b.i. of the permit requires that disturbed areas must be stabilized as specified in the following text below. Permanent and temporary stabilization are defined in Part VII of the Permit.

Permanent Stabilization

Any areas that will lie dormant for one year or more must be stabilized within seven days of the most recent disturbance.

Any areas within 50 feet of a surface water of the State and at final grade must be stabilized within two days of reaching final grade.

Any other areas at final grade must be stabilized within seven days of reaching final grade within that area.

Temporary Stabilization

Any areas within 50 feet of a surface water of the State and at final grade must be stabilized within two days of reaching final grade if the area will remain idle for more than 21 days.

For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State must be stabilized within seven days of the most recent disturbance within the area.

Disturbed areas that will be idle over winter must be stabilized prior to the onset of winter weather.

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

PART VII.H of the permit states. "Final stabilization" means that either: 1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion;

Some areas of your project did not meet portions of the above requirements. Assess the entire project for disturbed areas and apply the criteria to each area. Bring the site into compliance with this requirement immediately.

2. Part III.G.2.g.ii of the permit states that off-site vehicle tracking of sediments and dust generation shall be minimized.

All of your construction entrances were in need of maintenance. Install and maintain proper construction entrances that minimize tracking onto nearby roads. Larger stone may need to be utilized to ensure the requirement is met. Submit pictures of the corrected construction entrances. Correct this problem immediately.

Continue to operate the broom as needed to ensure mud is swept from the street and kept out of the road ditches and storm water conveyances.

3. Part III.G.2.i of the permit requires that sediment control structures be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the up slope development area is re-stabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

Part III.G.2.ii. of the permit states that a sediment settling pond is required for any one of the following conditions:

Concentrated storm water runoff (e.g., storm sewer or ditch);

Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;

Runoff from drainage areas that exceed the design capacity of inlet protection; or

Runoff from common drainage locations with 10 or more acres of disturbed land.

Part III.G.2.d.ii of the permit states that the permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond. The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft³) per acre of drainage (67 yd³/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: The volume of the sediment storage zone shall be 1000 ft³ per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

Part III.G.2.d.iii. of the permit states that sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. This permit does not preclude the use of other sediment barriers designed to control sheet flow runoff.

Some areas of your project did not meet portions of the above requirements. Assess the entire project for areas that require sediment traps to be installed and apply the criteria to each area. Bring the site into compliance with this requirement immediately.

4. Part III.G.2.g.h.i of the permit states that at a minimum, procedures in an SWP3 shall provide that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented in the SWP3. Once a definable area has been finally stabilized, you may mark this on your SWP3 and no further inspection requirements apply to that portion of the site. The permittee shall assign "qualified inspection personnel" to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in Part III.G.1.g of the permit or whether additional control measures are required.

Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include:

- i. the inspection date;
- ii. names, titles, and qualifications of personnel making the inspection;
- iii. weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- iv. weather information and a description of any discharges occurring at the time of the inspection;
- iv. location(s) of discharges of sediment or other pollutants from the site;
- v. location(s) of BMPs that need to be maintained;
- vi. location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- vii. location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- viii. corrective action required including any changes to the SWP3 necessary and implementation dates.

Submit the last two months of inspection reports and records for review.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact me at (740) 380-5277.

Sincerely,



Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh

Enclosure