



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

November 29, 2011

RE: TRUMBULL COUNTY
VILLAGE OF YANKEE LAKE
YANKEE LAKE
NPDES PERMIT NO: OHC000003
OHIO EPA PERMIT NO: 3GC04773*AG
CONSTRUCTION STORM WATER INSPECTION

Notice of Violation

John Jurko
1820 State Route 7 NE
Brookfield, Ohio 44403

Dear Mr. Jurko:

Ohio EPA continues to receive complaints alleging discharges of sediment to Yankee Creek and offsite tracking of sediment into State Route 7.

On November 3, 2011, Ohio EPA performed an inspection of Yankee Lake, located at 1800 State Route 7 in the Village of Yankee Lake, Trumbull County (site). The facility was represented by Sean Morgan of Yankee Lake. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04773*AG.

Storm Water Pollution Prevention Plan (SWP3)

On June 13, 2011, Ohio EPA received a copy of the revised SWP3 for the site. Via a notice of violation (NOV) dated September 2, 2011, Ohio EPA notified you of specific deficiencies regarding the site's SWP3. The NOV required a revised SWP3 addressing the deficiencies to be submitted to Ohio EPA by September 16, 2011. As of the date of this NOV, Ohio EPA has not yet received the revised SWP3 for the site.

Failure to submit a revised SWP3 constitutes violations of Ohio Revised Code Chapter 6111.07 and Part III.C.2 of the General Storm Water Permit.

Storm Water Inspection

The inspection documented that many of the site's installed BMPs were not functioning correctly and determined numerous violations of Ohio Revised Code Chapter 6111 and the General Storm Water Permit. The SWP3 must be revised to address the following violations:

- Part III.G.2.d.i of the General Storm Water Permit requires sediment control structures to 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 restabilized.

- i. The silt fence that has been installed on the site requires maintenance (Figures 1 to 2). Silt fence must be trenched six inches into the ground with ends of silt fence segments rolled together;
- ii. The northern sediment basin is not functioning as sediment-laden runoff is bypassing the outlet structure and discharging directly into Yankee Run (Figure 3);
- iii. The sediment basin located on the southern portion of the site has not been installed as sediment-laden storm water runoff is discharging directly to Yankee Run (Figure 4);
- iv. No BMPs have been installed on the eastern portion of the site to treat sediment-laden runoff from the roadways. Sediment-laden runoff was discharging directly into possible onsite wetlands and streams throughout the site (Figure 5).

The failure to maintain BMPs and prevent discharges of sediment to “waters of the State” constitutes violations of ORC 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.

- Part III.G.2.g requires provide BMPs for pollutant sources other than sediment.
 - i. An oil sheen was documented on the surface of ponded water located on the eastern portion of the site (Figure 6). The oil sheen was discharging directly into Yankee Run.

The discharge of oil to “waters of the State” constitutes violations of ORC 6111.07, Ohio Administrative Code rule 3745-1-04(B), and Part III.G.2.g of the General Storm Water Permit.

- Part III.G.2.g.iv of the General Storm Water Permit requires that there shall be no turbid discharges to surface waters of the State resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice.
 - i. Numerous diversion channels have been constructed to dewater the roadways located on the eastern portion of the site. Sediment-laden runoff was being discharged directly into “surface waters of the State” (Figures 7 to 9).

The failure to implement BMPs and prevent discharges of sediment to “waters of the State” constitutes violations of ORC 6111.07 and Part III.G.2.g.iv of the General Storm Water Permit.

- Open burning of solid waste is occurring on-site and must be terminated (Figure 10);

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Sewage Management

During the inspection, sewage appeared to be discharging from a pipe into "waters of the State" (Figures 11 to 12). Please contact Tomas Parry, Ohio EPA, to discuss the proper treatment and monitoring of discharging sewage treatment systems. For your convenience, Mr. Parry can be contacted at (330) 963-1120.

Conclusion

Via a September 2, 2011, NOV, Ohio EPA required a written report detailing the corrective actions that have been implemented at the site to address the violations to be submitted to Ohio EPA by September 16, 2011. As of the date of this NOV, the required written report detailing the corrective actions has not been received. A written report detailing the corrective actions that have been implemented to address the violations must be submitted to Ohio EPA by December 15, 2011.

The failure to submit information necessary to determine compliance with this permit constitutes violations of ORC 6111.07 and Part V.e of the General Storm Water Permit.

Ohio EPA formally requests a copy of the site's revised SWP3 be submitted by December 15, 2011, for review. The site's SWP3 must satisfy the requirements established within Part III.G of the Storm Water Permit. In the event that the above violations do not get resolved and a revised SWP3 is not submitted, Ohio EPA will pursue formal enforcement, whereby violations of ORC 6111 are punishable by fines up to \$10,000 a day per violation. Should you have any question regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/cs

cc: Gary Bauer
Steven Hamit, KCI Associates of Ohio
Mahoning Trumbull Air Pollution Control Agency

ec: Alexander Kostra, USACE
Tomas Parry, Ohio EPA, NEDO, DSW
Ed Wilk, Ohio EPA, NEDO, DSW
Steve Kramer, Trumbull County Health Department



Figure 1 - The installed silt fence requires maintenance.



Figure 2 - The installed silt fence requires maintenance.



Figure 3 - The northern sediment basin is not functioning as sediment-laden runoff is bypassing the outlet structure and discharging directly into Yankee Run.



Figure 4 - The sediment basin located on the southern portion of the site has not been installed.



Figure 5 - Sediment-laden runoff was discharging directly into possible onsite wetland and streams throughout the site.



Figure 6 - An oil sheen was discharging directly into Yankee Run.



Figure 7 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 8 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 9 - Sediment-laden runoff was being discharged directly into "surface waters of the State" via numerous diversion channels.



Figure 10 - Open burning of solid waste is occurring on-site and must be terminated.



Figure 11 - Sewage appeared to be discharging from a pipe into "waters of the State"



Figure 12 - Sewage appeared to be discharging from a pipe into "waters of the State"