



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

February 6, 2012

RE: Trumbull County  
City of Niles  
Niles Lincoln K-2 Elementary School  
NPDES Permit No: OHC000003  
Ohio EPA Permit No: 3GC05027\*AG  
Construction Storm Water Inspection

**NOTICE OF VIOLATION**

Joanna Gatta  
Niles City School District  
100 West Street  
Niles, OH 44446

Dear Ms. Gatta:

On January 9, 2012, Ohio EPA performed an inspection of Niles Lincoln K-2 Elementary School, located at 960 Frederick Street, City of Niles, Trumbull County (site). The facility was represented by Sean Snyder of DSV Builders, Inc. I was accompanied by Marcus Hollenbank and Jacob Gore of the Trumbull County Soil and Water Conservation District (Trumbull SWCD). 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. 3GC05027\*AG.

**Storm Water Inspection**

The inspection documented that many of the site's installed Best Management Practices (BMPs) were not functioning correctly. The inspection determined numerous violations of Ohio Revised Code (ORC) Chapter 6111, and the General Storm Water Permit. The Storm Water Pollution Prevention Plan (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 upslope development area is restabilized.
  - i. The installed inlet protection requires maintenance throughout the site as it is not functional (i.e. sediment-laden storm water runoff discharges directly into "waters of the State"); and
  - ii. The sediment settling pond is not functional as sediment-laden runoff is flowing directly through the outlet structure and discharging into "waters of the State"

untreated. A properly designed dewatering skimmer or riser pipe must be installed on the sediment settling pond's outlet structure.

**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.ii, of the General Storm Water Permit requires that off-site vehicle tracking of sediments and dust generation to be minimized. The inspection documented that a significant amount of sediment was being tracked into the roadway. Appropriate BMPs (i.e. construction entrances, wheel wash, street sweeping with a vac-truck, etc.) must be implemented to prevent offsite tracking from occurring.

**The failure to minimize offsite tracking constitutes violations of ORC 6111.07 and Part III.G.2.g.ii, of the General Storm Water Permit.**

- Part III.G.2.d.ii of the General Storm Water Permit requires sediment settling ponds to be designed to have a configuration between inlets and the outlet of the basin that must provide at least two units of length for each one unit of width (> 2:1 length:width ratio). A length to width ratio of 4:1 is recommended. The sediment settling pond design must be modified to include a permanent baffle (i.e. earthen mound) to extend the time of travel.

**The failure to include a 2:1 ratio between inlets and outlets constitutes a violation of ORC 6111.07 and Part III.G.2.d.ii, of the General Storm Water Permit.**

- Part III.G.2.b.i of the General Storm Water Permit requires temporary stabilization to occur on any portion of the site that is to remain idle for twenty-one days or longer. Many portions of the site appear to satisfy this requirement that have not been temporarily stabilized.

**The failure to initiate temporary stabilization constitutes violations of ORC 6111.07 and Part III.G.2.b.i, of the General Storm Water Permit.**

#### **Corrective Action**

A written report detailing the corrective actions that have been or will be implemented at the site to address the violations, detailed above, must be submitted to Ohio EPA by

February 27, 2012. Copies of the site's revised SWP3 (showing revisions to the sediment settling time regarding baffling, sizing calculations, etc.) and the long term operation and maintenance plan for the post-construction storm water management BMP must be submitted for review.

NILES LINCOLN K-2 ELEMENTARY SCHOOL  
FEBRUARY 6, 2012  
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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](mailto:chris.moody@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/cs

cc: Mark Hess, Engineer, City Administration Building  
DSV Builders, Inc.

ec: Marcus Hollenbank, Trumbull SWCD  
Jacob Gore, Trumbull SWCD