



**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 Bonham Elementary School
NPDES Permit No: OHC000003
Ohio EPA Permit No: 3GC05028*AG
Construction Storm Water Inspection

Notice of Violation

Jerome Gentile
Niles City School District
100 West Street
Niles, OH 44446

Dear Ms. Gentile:

On January 9, 2012, Ohio EPA performed an inspection of Niles Bonham Elementary School, located at 120 East Margaret Avenue, City of Niles, Trumbull County (site). 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. 3GC05028*AG.

Storm Water Inspection

The inspection documented that many of the site's installed Best Management Practices (BMP) 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. No inlet protection has been installed on the existing brick storm sewer inlet. A diversion channel directs sediment-laden storm water runoff to discharge directly into the existing brick storm sewer and directly to "waters of the State." Properly designed inlet protection must be installed to prevent untreated discharges into "waters of the State;"
 - 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; and

- iii. Silt fence that has been installed on the site requires maintenance as it is failing in numerous locations.

The failure to maintain BMP 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.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.

- Part III.G.2.g.i of the General Storm Water Permit requires BMPs to be implemented to eliminate solid or liquid wastes, including building materials, to be discharged in storm water runoff. A leachate was observed on the paved area that was discharging into a storm sewer inlet located over the geothermal well area. Information must be submitted to clarify where the leachate is coming from and the BMP(s) that will be implemented to eliminate the discharge.

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

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