



**Environmental  
Protection Agency**

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

Re: **Notice of Violation**  
Lucas County  
Crimson Hollow Plats 5 & 6  
Construction  
Storm Water

May 24, 2012

Mr. Don Ulrich  
LCH Holding, LLC  
5959 Forest Hills Court  
Maumee, Ohio 43537

Dear Mr. Ulrich:

On May 15, 2012, Lynette Hablitzel, Bernard Weik, and I inspected Crimson Hollow Plats 5 & 6 in Monclova Township, Ohio (photos taken). The purpose of our 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. 2GC03010\*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. No one was present onsite at the time of our visit.

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**. Copies of the Co-Permittee NOI may be downloaded from our website at <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

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

1. At the time of the inspection, the site was inactive. One idle excavator was present. Water lines, sanitary sewers, and storm sewers had been installed. Roadways had gutters and appeared to have their final course of asphalt. No lots were under construction. Due to the absence of personnel or a construction trailer, the Storm Water Pollution Prevention Plans (SWP3) and inspection logs were not available for review.
2. A retention pond had been installed in the southwest portion of the site. This structure is required to meet the design requirements for a sediment settling pond until construction activities have ended and a perennial vegetative cover of 70% density has been achieved over the tributary area. Without reviewing the

SWP3, I am unable to determine if the pond meets the requirements of the permit.

*Permit Requires:* Concentrated runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection shall pass through a sediment settling pond. Also, common drainage locations serving an area with 10 acres or more disturbed at one time must have a sediment settling pond until final stabilization of the site. To qualify as a sediment settling pond, structures must meet the following specifications: a dewatering zone sized at 67 cubic yards per total contributing drainage acre; dewatering depth less than or equal to five feet (optimal depths are between three to five feet); for ponds serving five acres or more, the dewatering zone shall have a minimum 48 hour drain time; a sediment storage zone sized at 1000 c.f. per disturbed acre; and the distance between inlets and the outlet at least 2:1 length:width ratio. *Please see Part III.G.2.d.ii. of the permit.*

It will be necessary to modify the pond if it does not already meet all of these requirements. It does not appear that the outlet structure would meet the required dewatering time. In your reply to this letter, please submit those portions of the SWP3 that demonstrate compliance with all of the above permit conditions. This would include: calculations of the required sediment storage volume and the dewatering volume (ft<sup>3</sup>); calculations showing that the outlet structure achieves the minimum 48 hour release of the required dewatering volume; the site map delineating the total contributing watershed (ac.); and the disturbed area (ac.). Include the detail drawings showing: riser pipe/dewatering weir/spillway locations, riser pipe/dewatering weir/spillway elevations, and the elevations at which the required sediment storage and dewatering volumes are provided.

3. Storm sewer inlet protection was not present on any of the catch basins. At this time, it does not appear that runoff would enter the rear yard drains located in adjacent plats. If the grade changes (e.g. during home building), a sediment control must be installed to intercept runoff from the rear yards of Plats 5 & 6. On May 17, I spoke with Mr. Brian Miller, Lucas County Engineer's Office. He stated that all curb inlets drain into the retention pond, which then discharges into the Buchman Ditch. If any catch basins do not drain to the pond, or if the pond does not meet the design requirements for a sediment settling pond, proper inlet protection must be installed.
4. All temporary or permanent stabilization has not been established. Long-term erosion across the disturbed land was evident by the rills and gullies present. The presence of weathered soils, rills, gullies, and amount of weed growth indicate the timeframe for stabilization may have been exceeded.

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*Permit Requires:* Portions of the construction site that will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Temporary stabilization is required prior to the onset of winter weather for ground that will be idle over winter. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a stream. In addition, disturbed areas in residential subdivisions must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s). Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented. *Failure to do so is a violation of Part III.G.2.b.i. of the permit.* All bare idle areas must be stabilized.

5. The inlet pipe from the storm sewer into the retention pond did not have a stabilized discharge point. A gully had begun to form on the pond bank.

*Permit Requires:* Operators shall undertake special measures to stabilize channels and outfalls. The SWP3 shall incorporate measures that control flow so as to prevent erosion. *This is a violation of Part III.G.2.b.ii. (stable conveyance channel) of the permit.* I recommend adding a stone apron below the inlet to eliminate the bank erosion into the pond.

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 taken or proposed to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion of the actions.

If there are any questions, please contact me at (419) 373-3025.

Sincerely,



Jessica Heitman  
Division of Surface Water  
Storm Water Program

/jlm

ec: Jeff Grabarkiewicz, Lucas County SWCD  
Brian Miller, PE, Lucas County Sanitary Engineer's Office  
Inspection Tracking