



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Lucas County
Trilogy Nursing Home
Construction
Storm Water

May 30, 2012

Mr. Leo Whitt
Trilogy Health Services, LLC
1650 Lyndon Farm Court, Suite 201
Louisville, Kentucky 40223

Mr. Mike LaMay
The Douglas Company
1716 Perrysburg-Holland Road
Holland, Ohio 43528

Dear Messrs. Whitt and LaMay:

On May 15, 2012, Lynette Hablitzel, Bernard Weik, and I inspected Trilogy Nursing Home, located at 6935 Monclova Road, Monclova Township (photos taken). The purpose of the 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. 2GC02920*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Mr. LaMay, and Mr. Dan Spenthoff, Project Coordinator, both of The Douglas Company, were present to provide information on the project.

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**. The Douglas Company appears to be an operator, as defined in Part II.A. This letter serves to notify The Douglas Company of their permitting obligations. **Please submit a Co-Permittee NOI to this office or an explanation of why the Douglas Company is not an "operator"**. 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 project was active. Buildings were in various stages of construction. Foundations had been poured and construction of external walls was ongoing. Storm sewers and a series of three storm water ponds had been constructed. Approximately 10.8 acres of land were disturbed.

2. The Storm Water Pollution Prevention Plan (SWP3) was not onsite. *This is a violation of Part III.C.2. of the permit.*
3. Inspection logs were not onsite. Inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include: inspector name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with Part V.G. of the permit. *This is a violation of Part III. G.2.i. of the permit*
4. A stone construction entrance was in place. There appeared to be little sediment tracking.
5. Three ponds were in series. The first two ponds were retention ponds, which drained into an extended detention basin before discharging into a public storm sewer. According to onsite drawings, most of the site drained either directly or via catch basins and storm sewers into the ponds. Without reviewing the SWP3 in detail, I cannot verify that the ponds meet all the permit requirements of a sediment settling basin. However, drawing notes indicated the extended detention basin was designed with appropriate volumes for dewatering and sediment storage.

Each yard catch basin had inlet protection. With the exception of the north side of the catch basin on the northeast side of the site, inlet protection was properly installed. The inlet protection needed to be backfilled and compacted on the northeast catch basin.

Silt fence had been installed around most of the project's perimeter. Sections of geotextile were not entrenched on the south side. There was also an area on the east of the site where the stakes were loose and leaning. However, the gradient of the site is currently away from this line of fencing. Should the grade change, the silt fence will need to be properly installed.

Bare ground on the northwest portion of the project drained offsite onto Lakeside Drive, which has curb inlets. There was no sediment control to address runoff from this area.

Permit Requires: Sheet flow from denuded areas shall be intercepted by sediment barriers. Control practices shall prevent sediment laden water from entering storm drain systems and shall protect adjacent streams. *This is a violation of Parts III.G.2.d. iii. and iv. of the permit.* I recommend installing a line of silt fence to capture runoff from this area.

6. Unstabilized soil stockpiles were located in the northwest and southeast corners of the site. Soil from the stockpile in the southwest corner was being moved offsite. Apart from the stockpile being removed, there were no other earth moving activities.

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 surface water. 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. *See Part III.G.2.b.i. of the permit.* The dormant stockpiles, along with the pond banks, and remaining property require stabilization.

7. The NOI application indicated that Trilogy Nursing Home is 10.8 acres, making this a large construction activity under the terms of the permit. As such, permanent structural post-construction Best Management Practices (BMPs) must be installed to treat the water quality volume (WQv) and ensure compliance with Ohio's Water Quality Standards in Ohio Administrative Code 3745-1. Looking at the onsite drawings, it appears that the diameter of the orifice on the extended aeration basin will be switched when construction activities are completed to meet this permit requirement.

Within 10 days of the date on this letter, please submit to this office **written notification** as to 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 Engineer's Office
Inspection Tracking