



**Environmental
Protection Agency**

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

June 26, 2012

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

John Jurko
1820 State Route 7 NE
Brookfield, Ohio 44403

NOTICE OF VIOLATION

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 May 31, 2012, 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 Gary Bauer of 4x4s Unlimited, Inc. I was accompanied by Ed Wilk and Allison Giancola of Ohio EPA's 401 Section; Alexander Kostra and Tyler Bintrim of the U.S. Corps of Engineers; and Jacob Gore and Marcus Hollenbank of the Trumbull County Soil and Water Conservation District. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04773*AG.

Storm Water Inspection

The inspection documented the following:

- The sediment basin outlets for SB-1, SB-2, and SB-4 have not been constructed in accordance with the details depicted on page 3 of the storm water pollution prevention plan (SWP3). The sediment basin outlet structures must be installed in accordance with the SWP3;
- Sediment basin SB-3 has not been installed in accordance with the SWP3 and must be installed;
- Sediment basin SB-5 has not been constructed in accordance with the SWP3 and must be installed correctly. As of the inspection, the embankment construction was not completed and the outlet installation had not occurred;
- No best management practices (BMP) have been installed east of Yankee Creek, to prevent the direct discharge of sediment-laden runoff to "waters of the State." During the inspection, the location for the placement of diversion channels, berms, and sediment settling ponds were discussed;
- 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." The diversion channels must either be removed or directed to a sediment settling pond; and

- Item 10 under the "Specifications Disturbed Area Entrance" on Page 3 of the SWP3 states that "construction entrances shall not be relied upon to remove mud from vehicles and prevent off-site tracking. Vehicles that enter and leave the construction-site shall be restricted from muddy areas." Since the site promotes the mudding of vehicles, the SWP3 detail for offsite tracking must be updated to address how offsite tracking of sediment will be minimized or eliminated. Ohio EPA recommends installing a wheel wash and construction entrances to address the offsite tracking of sediment issue.

The failure to maintain BMPs and prevent discharges of sediment to "waters of the State" constitutes violations of Ohio Revised Code (ORC) 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.

Corrective Action

A corrective action report detailing the corrective actions that been implemented to address the above violations must be submitted to Ohio EPA by July 15, 2012. Ohio EPA has previously requested written correspondence to be submitted that details how documented violations were to be addressed. As of the date of this notice of violation (NOV), Ohio EPA has not received the required corrective action report.

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.

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 email at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/cs

cc: Gary Bauer

ec: Ed Wilk, Ohio EPA, DSW, NEDO
Allison Giancola, Ohio EPA, DSW, CO
Alexander Kostra, USACE
Tyler Bintrim, USACA
Jacob Gore, Trumbull SWCD
Marcus Hollenbank, Trumbull SWCD
Craig Klein, KCI Associates of Ohio