



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 5, 2012

RE: LAKE COUNTY
CITY OF MENTOR
FRESENIUS MEDICAL CARE
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05801

NOTICE OF VIOLATION

Mr. Michael Tennant
FMC Mentor LCC
1075 Cooper Road, Suite 200
Grayson, GA 30017

Dear Mr. Tennant

On June 13, 2012, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. I was accompanied by Tim McParland of our Division of Surface Water and Time Wiley from the City of Mentor. After the inspection of the site, Todd Harrison of Hallmark Excavating showed us the plans for the above referenced site. Our records indicate that FMC Mentor LCC has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05801*AG.

After review of the site and Storm Water Pollution Prevention Plan (SWP3), I noted the following deficiencies:

1. Although the pond has been constructed in the location shown on the SWP3, the contractor has installed the permanent outlet structure and not the temporary structure needed for sediment control during construction. The pond does not provide a sediment control function without the temporary outlet. Further, it was noted that the riser pipe outlet detail shown on the SWP3 as the sediment control outlet is out of date. Please refer to the *Rainwater and Land Development* manual (Ohio Department of Natural Resources, 2006) for the current specifications and Part III.G.2.d.ii of the NPDES permit for current design requirements for sediment basins. Amend the outlet design as necessary to comply with the NPDES permit. Sediment basins are required to be installed within seven days of first grubbing and prior to grading the area they will control. Thus, the outlet structure should have been installed quite some time ago.
2. A straw bale has been placed across an opening on the side of the middle catch basin along Tyler Boulevard. Straw bales are not an approved form of storm drain inlet protection. Please refer to the SWP3 for your options on how to properly construct storm drain inlet protection around this catch basin.
3. There is a container marked "acid clean". This is a hazardous material and must be stored within secondary containment. A spill kit should be available on site and spill response procedures should be noted in the SWP3.

4. Mortar and concrete have been dumped on the ground. A washout pit should be provided on site to ensure these materials do not enter the storm water drainage system. Practice good housekeeping and clean up materials immediately after spilling. Solid waste should go into a dumpster or be otherwise properly disposed.
5. Disturbed areas expected to remain idle for 21 days or longer must be temporarily stabilized between construction operations. Temporary stabilization must be initiated within seven days of last disturbance. Please review your site on a weekly basis and determine which areas will require temporary stabilization and ensure that they are seeded and mulched by week's end. Part III.G.1.m of the NPDES permit requires you to keep a log documenting grading and stabilization activities to document compliance with this provision of the NPDES permit.

Post-Construction Issue

6. Please submit the calculations and stage-storage data for the design of the pond and its permanent outlet structure. These calculations and data are important to verify compliance with NPDES requirements. The permanent basin must provide extended detention (24 to 48-hour drain time, depending on type of pond installed) of the Water Quality Volume (WQv) in order to meet NPDES requirements. Dry extended detention basins must provide forebays around pond inlets and a micropool around the pond outlet equal to at least 10% of the WQv. Wet extended detention basins provide extended detention for 75% of the WQv with a permanent pool of at least 95% of the WQv (75% of the WQv plus an additional 20% for storage of accumulated sediments). If necessary, amend the pond design to meet NPDES requirements. Once construction is complete and the site is restabilized, the basin outlet will need to be converted to its permanent configuration.

You are directed to provide me with a letter of response indicating the actions that you have taken or will take to address the deficiencies noted above. Include any amendments to the SWP3 with your response. Your response must be received **no later than July 19, 2012**. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines.

If you have any questions, please contact me at (330) 963-1125 or by e-mail at Katie.Bowman@epa.state.oh.us

Sincerely,



Katie Bowman
Assistant to the District Engineer
Division of Surface Water

KB/cs

cc: Tim Wiley, Engineering Inspector, City of Mentor
Kenneth J. Filipiak, City Manager, Mentor
Brian Ashurst, Assistant Engineer, City of Mentor
Scott J. Marn, President of Council, City of Mentor

Attachments: Photos

INSPECTION PHOTOS

Fresenius Medical Care



Figure 1: Catch basin along Tyler Boulevard with only hay blocking the hole.
Figure 2: Incorrectly built inlet protection



Figures 3 & 4: Sediment basin with improper outlet structure



Figures 5 & 6: Container marked "acid clean"



Figures 7 & 8: Dumped or spilled mortar and concrete

City of Mentor, Lake County
Photos taken on June 13, 2012
Photos taken by Katie Bowman, DSW