



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Van Wert County
Westwood Senior Apartments
Construction
Storm Water

July 12, 2012

Mr. Bob Hellmuth
Westwood Senior Apartments Limited Partnership
1990 Kingsgate Road
Springfield, Ohio 45502

Dear Mr. Hellmuth:

On June 18, 2012, Jessica Heitman and I inspected Westwood Senior Apartments located at 1051 Westwood Drive, Van Wert. 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. 2GC03072. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Mr. Tony Lange, RCS Construction, was present to provide information on the project. Our records indicate that there are no co-permittees on this project.

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

1. At the time of inspection, the foundation of the building was being worked on.
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 inadequate. 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. No silt fence was in use on the west side of the site, and a portion of silt fence was damaged on the south side of the site.

Permit Requires: Structural practices shall be used on all sites remaining disturbed for more than 14 days. They shall be implemented prior to grading and within seven days from the start of grubbing. They must remain functional until the upslope area is restabilized. *This is a violation of Part III.G.2.d. of the permit.*

5. A retention pond was present. I am unable to determine if the pond meets the requirements of the permit.

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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. 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 1,000 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. In your reply to this letter, please verify if you are using the pond as a sediment settling pond and if it meets the permit's design requirements.

6. Storm drain inlet protection had not been installed on the catch basins. Unless the catch basins lead into a sediment settling pond (see pond requirements listed above), there must be inlet protection. Please see Part III.G.2.d.iv of the permit.
7. All temporary or permanent stabilization has not been established. The amount of weed growth on stockpiles indicates that the timeframe for stabilization may have been exceeded.

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. 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 your permit.*

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 419-373-3011.

Sincerely,



Bernard E. Weik
Division of Surface Water
Storm Water Program

/jlm

ec: Justin Wagner, District Technician
Tracking