



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

Re: **Notice of Violation**  
Fulton County  
North Buehrer Street Improvements  
Construction  
Storm Water

July 12, 2012

Mr. Dennis Howell  
Village of Archbold  
300 North Defiance Street  
Archbold, Ohio 43502

Ms. Lisa Zeiler  
E.R. Zeiler Excavating Inc.  
125 West Substation Road  
Temperance, Michigan 48182

Dear Mr. Howell and Ms. Zeiler:

On June 27, 2012, Jessica Heitman and I inspected North Buehrer Street Improvements around North Buehrer Street, Archbold. 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. 2GC03108. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Mr. Ray Zabawa, Zeiler Excavating, was present to provide information on the project.

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

1. At the time of inspection, construction was occurring, and the pavement on the streets had been removed.
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 kept. 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.*

Mr. Dennis Howell  
Ms. Lisa Zeiler  
July 12, 2012  
Page Two

4. Storm drain inlet protection had not been installed on catch basins that were at grade or below grade of the site.

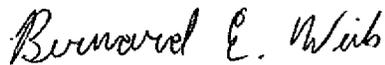
*Permit Requires:* Practices shall minimize sediment laden water entering active storm drain systems unless they drain to a sediment settling pond. *This is a violation of Part III.G.2.d.iv. of your permit.* I recommend that proper inlet protection be installed.

5. While fuel tanks were not stored near any drainage ways, secondary containment must be provided for fuel tanks. If the tanks are not double walled, I recommend that an earthen containment berm surrounding the tank be constructed.

Within 10 days of the date on this letter, please submit to this office a **written response** to the above comments. Your reply should describe the actions taken or proposed to prevent any future violations, including dates for the completion of the actions. Please describe how the post construction storm water management requirements will be met for this project. Your reply should include the type(s) of practices you are implementing and the basis for their design.

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: Pete Carr, District Technician III  
Tracking