



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Fulton County
Fulton County Road T
from 6 to State Route 64
Construction
Storm Water

July 12, 2012

Ms. Hayley Dockery
Fulton County Commissioners
152 South Fulton Street
Wauseon, Ohio 43567

Mr. Bill Zimmerman
Vernon Nagel Inc.
154 County Road 11C
Napoleon, Ohio 43545

Dear Ms. Dockery and Mr. Zimmerman:

On June 27, 2012, Jessica Heitman and I inspected Fulton County Road T from 6 to State Route 64 at Sections 8-11 and 14-17, Metamora. 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. 2GC03119. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111.

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

1. At the time of inspection, the road was mostly paved.
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.*

Ms. Hayley Dockery
Mr. Bill Zimmerman

4. No silt fence was in use to prevent sediment from leaving upgradient portions 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. No practices were installed to stabilize outfalls from erosive flows. I recommend that stone aprons be placed at storm water outfalls.

Permit Requires: Operators shall undertake special measures to stabilize outfalls. The SWP3 shall incorporate measures that control flow so as to prevent erosion. *These are violations of Parts III.G.2.b.ii.*

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