



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Henry County
AMP Napoleon Solar Facility
Construction
Storm Water

July 18, 2012

Mr. Randy Meyer
American Municipal Power (AMP) Ohio Inc.
1111 Schrock Road Suite 100
Columbus, Ohio 43229

Dear Mr. Meyer:

On June 26, 2012, Bernard Weik and I inspected AMP Napoleon Solar Facility located at 1645 Commerce Drive, Napoleon. 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. 2GC03123*AG. The inspection was conducted under Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Mr. Brad Meyer, Construction Manager, American Municipal Power, Inc., was present to provide information on the project.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) application for this project. This form is used by construction site operators, as defined in Part VII.O. of the Construction General Permit, to become co-permittees with the initial permittee of a construction site. Please note that Part II. A. of the Construction General Permit (CGP) **requires all operators as a construction site to become co-permittees**. Copies of the Co-Permittee NOI may be downloaded from our website at <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

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

1. At the time of the inspection, construction was ongoing. The solar panels had been installed and were in the process of being connected. The Storm Water Pollution Prevention Plan (SWP3) and inspection logs were onsite and adequate. The SWP3 indicated that an earthen berm around the perimeter of the site kept water onsite where it would pool at the alternate catch basins that had been installed. These catch basins consisted of a shallow buried pipe with an elbow. The pipe above the elbow was perforated and surrounded by stone to catch sediment.
2. There was a stone construction entrance with no tracking into the street.
3. All temporary or permanent stabilization has not yet been established. Mr. Brad Meyer indicated that this was because the site had been treated for the weed growth at the beginning of the project and will be treated again in the near future. This is acceptable as long as stabilization practices will be implemented as soon as possible after the weed treatment.

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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. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a stream. 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 the permit.*

4. I observed sagging silt fence around the perimeter of the site and also around the inlets to the west 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. Silt fence joins were incorrectly installed. The lines of silt fencing overlapped at the ends. Instead, the stakes must be twisted around each other so that the fabric wraps around both stakes before staking the fence into the ground.

Permit requires: All sediment and erosion control practices must meet the standards of the current edition of *Rainwater and Land Development: Ohio's Standards for Storm Water Management, Land Development, and Urban Stream Protection*. Please see Part III.G.2. of the permit.

Within 10 days of the date on this letter, please submit to this office **written notification** as to the reasons for the above mentioned comments as well as actions taken or proposed to prevent any future violations. Your response should include dates, either actual or proposed, for the completion of the actions.

If there are any questions, please contact me at (419) 373-3025.

Sincerely,



Jessica Heitman
Division of Surface Water
Storm Water Program

/jlm

cc: Brad Meyer, Construction Manager, American Municipal Power
Tracking