



Environmental
Protection Agency

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

July 19, 2012

RE: LORAIN COUNTY
CITY OF AVON
JOYCE BUICK
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05610

NOTICE OF VIOLATION

Mr. Fred Schirmer
Schirmer Construction Co.
31350 Industrial Parkway
North Olmsted, OH 44070

Mr. Kevin Urig
KMU Trucking & Excavating, Inc.
4436 Center Road
Avon, OH 44011

Dear Mr. Schirmer and Mr. Urig:

On July 10, 2012, I performed a follow-up compliance inspection for storm water best management practices (BMPs) at the above referenced site. I was accompanied by the following officials representing the City of Avon: Rob Knopf, City Engineer; Tom Hardwick, Inspector; and Greg Masson, Building Inspector. While on site I met with Joe Erne, Superintendent of the site. Our records indicate that Schirmer Construction Co. has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05610*AG.

After review of the site and Storm Water Pollution Prevention Plan (SWP3), I noted that some corrective action to address the concerns in my letter dated June 15, 2012 has occurred, but the following violations of the NPDES permit remain:

1. **Areas disturbed by construction that are at final grade, or that will remain idle for 21 days or longer, have not been stabilized.** Stabilization was to be initiated within 7 days of last disturbance or reaching final grade. This is a violation of Part III.G.2.b.i of the NPDES permit and ORC 6111.04 and 6111.07. Mr. Erne informed me that seeding of all barren ground will take place within the next 2 weeks. Due to the hot and dry weather conditions, straw mulching and watering of the seed may be necessary to reach the 70% growth density required by the NPDES permit.
2. **Failure to maintain silt fence in a functional manner until all up slope areas it controls are permanently stabilized.** This is a violation of Part III.G.2.h of the NPDES permit and ORC 6111.04 and 6111.07. A section of silt fence along the back (south) of the property is not trenched in and backfilled. Also, the joint stakes have not been twisted together prior to staking.

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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. Your response must be received **no later than August 2, 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:bo

attachments: Photos

pc: Rob Knopf, Engineer, City of Avon
Tom Hardwick, Construction Inspection Department Manager, Bramhall Engineering & Surveying Company, Inc.
Greg Masson, Building Inspector, City of Avon
Jim Smith, Mayor, City of Avon

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INSPECTION PHOTOS

Joyce Buick



Figures 1&2: Section of silt fence on the back perimeter of the site



Figures 3&4: Areas where stabilization should have already occurred

City of Avon, Lorain County
Photos taken on July 10, 2012
Photos taken by Katie Bowman, DSW