



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 20, 2012

RE: LAKE COUNTY
CITY OF WILLOUGHBY
GRANT ELEMENTARY SCHOOL
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05815

NOTICE OF VIOLATION

Mr. Chuck Spayde
Willoughby Eastlake City Schools
37047 Ridge Road
Willoughby, OH 44094

Dear Mr. Spayde:

On June 13, 2012 I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. I was accompanied by Kelly McVay of our Division of Surface Water. While on site, I met with the following representatives of Turner Resource: Jeff Johnson, Superintendent of the site, Mark Zuk, Assistant Superintendent, and Robert Teitenberg, Sr. Project Manager. Our records indicate that Willoughby Eastlake City Schools have obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05815*AG.

Administrative Issue

A review of our records indicated the following administrative violation of the NPDES permit:

- **Failure of operator to obtain NPDES permit coverage.** This is a violation of Part I.E of the NPDES permit, Ohio Administrative Code (OAC) 3745-38-06 and Ohio Revised Code (ORC) 6111.04. This violation is specific to Turner Resource. All parties that meet the definition of operator are required to obtain NPDES permit coverage. The definition of "operator" in the NPDES permit includes the party that has control over the plans and specifications and the party that manages the day-to-day operations at the construction site that are required to comply with the NPDES permit. It is our understanding that Turner Resource meets the definition of operator. To obtain NPDES permit coverage, the County must submit a Co-Permittee Notice of Intent (Co-Permittee NOI) to Ohio EPA. The Co-Permittee NOI was to be submitted by Turner prior to the start of construction activities. The form and instructions can be downloaded from our website at www.epa.ohio.gov/dsw/storm/stormform.aspx. There is no fee to file the form.

Site Inspection

After review of the site and Storm Water Pollution Prevention Plan (SWP3), I noted the following deficiencies in BMP implementation during my site inspection:

1. The contractor has installed the permanent outlet structure on the stormwater management pond rather than the temporary structure required during construction. Please refer to the SWP3 and modify the outlet structure as required to comply with the

sediment basin outlet detail. Conversion to the permanent outlet structure will occur once construction is complete and disturbed areas draining to the pond have been re-stabilized.

2. Good housekeeping practices need to be implemented, specifically in the mortar mixing area. Mortar slurry and washwater are wastewaters not authorized to discharge under the NPDES permit for storm water associated with construction activity. Measures such as cover or berms must be installed to ensure these wastewaters do not discharge to the storm water drainage system. Spilled mortar should be immediately cleaned up and either thrown in a concrete washout pit or into the dumpster.
3. The silt fence next to the large dirt pile near Hurricane Drive has fallen over and is being covered by soil. Silt fence needs to be maintained throughout construction. Also, there should not be silt fence running across the emergency spillway of the sediment basin. Silt fence should stop on either side of the spillway and the two ends brought back upslope to catch runoff that may flow from disturbed areas.
4. Please assess the construction site on a weekly basis to determine which areas require temporary stabilization. The NPDES permit requires disturbed areas that will remain idle for 21 days or longer to be temporarily stabilized between construction operations. Temporary stabilization must be initiated within seven days of last disturbance. You must keep a log of grading and stabilization activities to document compliance with this permit requirement. The log is part of the SWP3 and is to be kept on-site with the plan.

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. Include any amendments to the SWP3 with your response. Your response must be received no later than August 3, 2012. Failure to comply with the NPDES permit is a violation of ORC 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

cc: Ken Wetzal, Engineering Technician, City of Willoughby
Jeff Johnson, Superintendent, Turner (27840 Hilliard Boulevard Westlake, OH 44145)
David E. Anderson, Mayor, City of Willoughby
Jim Sayles, Engineer, City of Willoughby

Attachments: Photos

INSPECTION PHOTOS
Grant Elementary School



Figures 1&2: Holes on outlet structure of sediment basin that have not been cover per the plan



Figure 3: No cap on the outlet pipe
Figure 4: Mortar mixing area



Figure 5: Silt fence going through overflow rip rap of the sediment basin
Figure 6: Dirt falling onto silt fence