



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Lucas County
New Baseball Stadium
Construction
Storm Water

July 31, 2012

Mr. Jesse MacDonald
DelBall, LLC
1440 Arrowhead Drive
Maumee, Ohio 43537

Dear Mr. MacDonald:

On July 11, 2012, I inspected the New Baseball Stadium located at 5725 South Holland-Sylvania Road, Toledo (photos taken). The purpose of my visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm sewer discharges associated with construction activity, Facility No. 2CG02934*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The visit was a follow-up to our June 27, 2012, inspection letter. No one was present at the time to provide information on the project.

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

1. At the time of the inspection, construction was complete. No equipment was on site; the site had been seeded with mulch, hydro-seeded, or sod had been laid. On July 11, 2012, I spoke with Mike Lenkay, Director, Finance, DelBall, LLC, about his inquiries for specifications for matting. Mr. Lenkay's July 13, 2012, letter stated that Bishop Landscaping will be onsite before the end of July to add matting and/or mulch to the needed areas. The letter also stated that Rudolph Libbe addressed previous issues with sediment buildup on the catch basins on July 6, 2012.
2. Doug Nusser, Poggemeyer Design Group, Inc., confirmed that the site drains into the swales/ditches along the north, east, and west sides of the site, which then drain into the sediment settling pond on the north. The plans indicate that when construction ends, rock dams will be installed to form a forebay and micropool in the pond.
3. It appeared that the disturbed area had been hydro-seeded with grass. While grass had germinated in many portions of the site, it had not reached a 70% density of perennial vegetative cover in all areas of the site. There was evidence of erosion to the west of the clubhouse and also on the banks of the east and west drainage ditches. Erosion was evident by the rills and at least one gully present.

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Optimum seeding dates for Northwest Ohio are generally from April to May, or from mid-August until the end of September, depending on the type of vegetation planted. Unless you are willing to water any seeding, I recommend that all inactive, unstable areas be mulched or matted until the fall, when conditions are more favorable for permanent seeding. The ditch banks appear to require regrading and the use of erosion control blankets. *Permit Requires:* All erosion and sediment control practices used to meet the conditions of this permit shall meet the standards and specifications of the current edition of Ohio's Rainwater and Land Development Manual (ODNR) or other standards acceptable to Ohio EPA. Also, operators shall undertake special measures to stabilize channels, outfalls, and prevent erosive flows. *These are violations of Parts III.G.2. and 2.b.ii., respectively, of the permit.*

4. I observed excess sediment on the inlet protection on the catch basins along the perimeter of the outfield. The inlet protection around the catch basins should have any sediment removed.

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 the actions taken or proposed to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion of the actions.

If you have any questions, please contact me at (419) 373-3025.

Sincerely,



Jessica Heitman
Division of Surface Water
Storm Water Program

/jlm

cc: Patekka Pope Bannister, City of Toledo Division of Environmental Services
Tracking