



**Environmental  
Protection Agency**

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

August 14, 2012

RE: LAKE COUNTY  
CITY OF MENTOR  
DIAMOND BUSINESS PARK  
CONSTRUCTION STORM WATER  
PERMIT NO: 3GC05323

**NOTICE OF VIOLATION**

Mr. Leong Tan  
JTO Inc.  
6011 Heisley Road  
Mentor, OH 44060

Mr. Robert Galardini  
Shelly Co.  
8920 Canyon Falls Boulevard #120  
Twinsburg, OH 44097

Mr. Ken Hamilton  
Hamilton Excavating Trucking  
9310 Mercantile  
Mentor, Ohio 44060

Dear Mr. Tan, Mr. Galardini and Mr. Hamilton:

On August 13, 2012, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site I was accompanied by Tim Wiley from the City of Mentor. While on site, we met with Zack Quarles, laborer with Shelly Company. Our records indicate that JTO Inc. has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05323\*AG.

After review of the site and Storm Water Pollution Prevention Plan (SWP3), my inspection of the site revealed the following violations of the NPDES permit:

**Site Inspection**

1. **Failure to construct the sediment basin outlet structure in compliance with required design standards.** This is a violation of Part III.G.2.d.ii of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The outlet is out-of-date and was built incorrectly. Please note that the NPDES permit requires the outlet structure of sediment basins to provide a minimum 48-hour drain time for the dewatering volume. The rule-of-thumb design used on this site, i.e., a perforated riser pipe wrapped in geotextile, does not ensure the minimum drain time is met. The revised plans show a skimmer device was to be installed, but this was not on site. In addition, the SWP3 does not give any cross-section detail plan for the basin. The detailed drawings for the outlet structure, skimmer, and sediment basin need to show the elevations of the sediment storage volume, invert of pipe, dewatering volume, and the top of the basin and outlet structure. Please revise your SWP3 to show these details.

2. **Failure to maintain silt fence in a functional condition until the areas it controls have reached final stabilization.** This is a violation of Part III.G.2.h of the NPDES permit nad ORC 6111.04 and 6111.07. The silt fence along the entire property has not been maintained. It sags and, in some places, it has fallen down. The silt fence along the soil stockpile has been knocked down by the soil. Please maintain a buffer zone between the fence and the soil stockpile.
3. **Failure to initiate temporary stabilization of disturbed areas within 7 days of last disturbance if they are to remain idle for 21 days or longer.** This is a violation of Part III.G.2.b.i.Table 2 of the NPDES permit and ORC 6111.04 and 6111.07. The site should be reviewed on a weekly basis to determine which areas require temporary stabilization between construction operations. Areas requiring temporary stabilization must be seeded and mulched (or just mulched) to initiate stabilization. A log documenting grading and stabilization activities is required by Part III.G.1.m of the NPDES permit.
4. The construction entrance needs to be redressed with stone.

You are directed to provide Dan Bogoevski, District Engineer for Ohio EPA's Division of Surface Water with a letter of response indicating the actions that you have taken or will take to address the violations noted above. Include any amendments to the SWP3 with your response. Your response must be received **no later than August 28, 2012**. Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

If you have any questions, please contact Dan Bogoevski at (330) 963-1145 or by e-mail at [Dan.Bogoevski@epa.state.oh.us](mailto:Dan.Bogoevski@epa.state.oh.us)

Sincerely,



Katie Bowman  
Assistant to the District Engineer  
Division of Surface Water

KB/cs

cc: Tim Wiley, City Engineer, Mentor (8500 Civic Center Boulevard, Mentor, OH 44060)  
Kenneth J. Filipiak, City Manager, Mentor  
Scott J. Marn, President of Council, City of Mentor

Attachments: Photos

**INSPECTION PHOTOS**

**Diamond Business Park**



**Figure 1:** Sediment basin outlet structure



**Figures 2&3:** Silt fence along wetlands has fallen down or has holes



**Figures 4&5:** Silt fence has fallen down, been buried, or has holes along the soil stockpile



Figure 6-9: Areas where temporary stabilization should occur