



**Environmental  
Protection Agency**

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

Re: **Notice of Violation**  
Lucas County  
Fifth Third Bank  
Construction  
Storm Water

August 17, 2012

Mr. Tom Gessel  
Regional Program Manager  
Fifth Third Bank  
111 Lyon Street NW  
Grand Rapids, Michigan 49503

Dear Mr. Gessel:

On July 26, 2012, I inspected Fifth Third Bank at 4706 Summit Street, 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 water discharges associated with construction activity, Facility ID No. 2GC03174. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Our records indicate that there are no co-permittees on this project. Mr. Adam Frye, The Spieker Company Vice President, was available to comment on the project.

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

1. At the time of inspection, demolition of the existing building was taking place.
2. The Storm Water Pollution Prevention Plan (SWP3) was available on site.
3. Inspection logs were not kept. Inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include: inspector name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with Part V.G. of the permit. *This is a violation of Part III. G.2.i. of the permit.*
4. Storm drain inlet protection had not been installed. *Permits Requires:* Practices shall minimize sediment laden water entering active storm drain systems unless they drain to a sediment settling pond. *This is a violation of Part III.G.2.d.iv. of the permit.* Proper inlet protection must be installed.

Mr. Tom Gessel  
August 17, 2012  
Page Two

5. Silt fence had been called for on the SWP3, but had not been installed yet, while parts of the site were up gradient. *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.*
6. There was tracking into the street at the west entrance. A non-erodible construction entrance is needed where vehicles are accessing the site. *This is a violation of Part III.G.2.g.ii.*

Within 10 days of the date on this letter, please submit to this office a **written response** to the above comments. Your reply should describe the actions taken or proposed to prevent any future violations, including dates for the completion of the actions. Please describe how the post construction storm water management requirements will be met for this project. Your reply should include the type(s) of practices you are implementing and the basis for their design.

If there are any questions, please contact Ms. Lynette Hablitzel at 419-373-3009.

Sincerely,



Bernard E. Weik  
Division of Surface Water  
Storm Water Program

/jlm

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