



**Environmental
Protection Agency**

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

August 20, 2012

RE: TRUMBULL COUNTY
VILLAGE OF YANKEE LAKE
YANKEE LAKE
NPDES PERMIT NO: OHC000003
OHIO EPA PERMIT NO: 3GC04773*AG
CONSTRUCTION STORM WATER INSPECTION

John Jurko
1820 State Route 7 NE
Brookfield, Ohio 44403

NOTICE OF VIOLATION

Dear Mr. Jurko:

Ohio EPA continues to receive complaints alleging discharges of sediment to Yankee Creek and offsite tracking of sediment into State Route 7. The most recent complaint received August 2, 2012, alleged that an excessive amount of mud was being tracked into State Route 7 and causing storm sewer inlets to become clogged resulting in the flooding of neighboring properties during precipitation events. In addition, the complaint also stated that dust generation is problematic.

On July 23, 2012, Ohio EPA performed an inspection of Yankee Lake, located at 1800 State Route 7 in the Village of Yankee Lake, Trumbull County (site). The facility was represented by Sean Morgan. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04773*AG.

Storm Water Inspection

The inspection documented the following:

- The sediment basin outlets for SB-1, SB-2, and SB-4 have not been constructed in accordance with the details depicted on page 3 of the storm water pollution prevention plan (SWP3). The sediment basin outlet structures must be installed in accordance with the SWP3;
- Sediment basin SB-3 has not been installed in accordance with the SWP3 and must be installed;
- Sediment basin SB-5 has not been constructed in accordance with the SWP3 and must be installed correctly. As of the inspection, the embankment construction was not completed and the outlet installation had not occurred;
- No best management practices (BMP) have been installed east of Yankee Creek, to prevent the direct discharge of sediment-laden runoff to "waters of the State;" and
- Item 10 under the "Specifications Disturbed Area Entrance" on Page 3 of the SWP3 states that "construction entrances shall not be relied upon to remove mud from vehicles and prevent off-site tracking. Vehicles that enter and leave the construction-site shall be restricted from muddy areas." Since the site promotes the mudding of vehicles, the SWP3 detail for offsite tracking must be updated to address how offsite tracking of sediment will be minimized or eliminated. On August 3, 2012, the complainant provided Ohio EPA with

pictures documenting offsite tracking and dust generation is occurring. A sweeper is utilized and is causing the generation of particulate matter from the mud that has been tracked into State Route 7 from the site. The current best management practice to prevent offsite tracking of sediment is not effective and must be replaced installing a wheel wash or utilizing a vacuum sweeper to address the offsite tracking of sediment violation.

The failure to maintain BMPs and prevent discharges of sediment to "waters of the State" constitutes violations of ORC 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.

Corrective Action

A written report detailing the corrective actions that been implemented to address the above violations must be submitted to Ohio EPA. Ohio EPA has previously requested written correspondence to be submitted that details how documented violations were to be addressed. As of the date of this notice of violation (NOV), Ohio EPA has not received the required corrective action report.

The failure to submit information necessary to determine compliance with this permit constitutes violations of ORC 6111.07 and Part V.E of the General Storm Water Permit.

If the above violations are not resolved by September 3, 2012 and a revised SWP3 is not submitted for review, Ohio EPA will:

1. Pursue formal enforcement, whereby violations of ORC 6111 are punishable by fines up to \$10,000 a day per violation; and
2. Require the site to obtain individual NPDES permit coverage, which will include storm water outfall monitoring.

Ohio EPA requests that you provide weekly updates detailing the corrective actions that have been implemented. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/cs

cc: Gary Bauer

ec: Alexander Kostra, USACE
Ed Wilk, Ohio EPA, DSW, NEDO
Tomas Parry, Ohio EPA, DSW, NEDO
Craig Klein, KCI Associates of Ohio