



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Hardin County
Lincoln Street Reconstruction Phase II
Construction
Storm Water

August 29, 2012

Mr. James Meyer
Village of Ada
P.O. Box 292
Ada, Ohio 45810

Mr. Jeff Lammers
JDR Excavating, Inc.
433 ½ Oak Avenue
Findlay, Ohio 45839-1591

Dear Messrs. Meyer and Lammers:

On July 10, 2012, Ohio EPA representative Jessica Heitman inspected the Lincoln Street Reconstruction Phase II project on Lincoln Street from Union Street to Main Street in Ada, Ohio (photos taken). The purpose of the 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. 2GC03038*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. Mr. Lammers was on site at the time to give information on the project.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) application for this project. This form is used by construction site operators, as defined in Part VII.O. of the Construction General Permit (or CGP), to become co-permittees with the initial permittee of a construction site. Please note that Part II.A. of the CGP **requires all operators at a construction site to become co-permittees**. It appeared that JDR Excavating was acting as a general contractor at the time. Please submit a Co-Permittee NOI to this office or an explanation of why JDR Excavating is not an "operator". Copies of the Co-Permittee NOI may be downloaded from our website at <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

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

1. At the time of the inspection, construction was ongoing. The pavement of Lincoln Street had been removed and curbs and storm sewers were in place. Mr. Lammers indicated that the project was set to be complete in three weeks.
2. The Storm Water Pollution Prevention Plan (SWP3) was not onsite. *This is a violation of Part III.C.2. of the permit.*

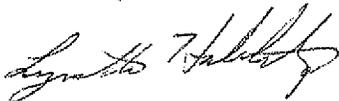
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3. Inspection logs were not onsite. Steve Letso, JDR Excavating, Inc., emailed the logs to me on July 10, and they appear to be adequate. Inspection logs must be kept onsite during all hours of operation. *This is a violation of Part III.G.2.i. of the permit.* I recommend that the inspection logs or a copy be kept onsite.
4. The ground adjacent to the curbs was not yet at grade, but geotextile had been placed under the sewer grate. This is not an effective control measure. *Permit Requires:* All erosion and sediment control practices used to meet the conditions of this permit should 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. *Please see Part III.G.2. of the permit.* Proper inlet protection must be installed before runoff can be directed to storm sewer inlets.
5. There were areas of soil north of Lincoln Street that had been disturbed and did not have any temporary or permanent stabilization. It was not clear how long the disturbed soil had been unstabilized. *Permit Requires:* Portions of the construction site that will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Temporary stabilization is required prior to the onset of winter weather for ground that will be idle over winter. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented. *Please see Part III.G.2.b.i. of your permit.* I recommend mulching all bare idle areas.

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. 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 you have any questions, please contact me at (419) 373-3009.

Sincerely,



Lynette Hablitzel, P.E.
Division of Surface Water
Storm Water Program

/jlm

ec: Tracking