



**Environmental
Protection Agency**

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

October 12, 2012

RE: LAKE COUNTY
CONCORD TOWNSHIP
CONSTRUCTION STORM WATER
LAK-90.13.10 PID 75479

Neil Muscato
ODOT District 12
5500 Transportation Blvd.
Garfield Heights, OH 44125

Dear Mr. Muscato:

On October 10, 2012, Ohio EPA investigated a complaint received from the property owner at 7670 Kellogg Road, Concord Twp, regarding sediment-laden discharges to their pond. The pond receives runoff from the portion of the LAK-90.13.10 PID 75479 project near the Morley Road crossover west of the SR 44 interchange. The complainant alleges that at least a portion of the sediment in their pond is due to poor or improper implementation of sediment and erosion control on the I-90 construction site. Our records indicate that storm water discharges from this project are authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05487*AG.

A review of the complainant's pond revealed that it does appear brown from sediment (Fig 1); however, it was noted that the pond is built within an unnamed tributary of Kellogg Creek and there is some downcutting of the stream channel upstream of the pond. It is likely that sediment due to natural bank erosion is settling within the pond. Although it had rained earlier in the day and intermittent showers occurred during the time of inspection, there was only a moderate amount of sediment in the water being discharged across Kellogg Road from I-90 (Fig 2 & 3).

A review of construction activities on I-90 tributary to the pond indicates that there is limited to no construction occurring at this time. Although a crossover was constructed at approximately mile marker 199.2, construction appears to be complete. Storm sewer inlets were protected with standard storm drain inlet protection. Although some maintenance is required, the majority of the inlet protection devices were in good working order. However, areas disturbed by construction along the I-90 median and shoulders had not yet been stabilized. The NPDES permit requires temporary stabilization to be initiated within seven days of last disturbance on any area disturbed by construction but where construction activities are expected to cease for 21 days or longer. Permanent stabilization must be initiated within seven days of reaching final grade. It appears that the construction activities tributary to the complainant's pond meet one of these criteria. As such, please seed and mulch disturbed areas immediately.

Please provide me with a letter of response indicating the actions taken to address these concerns, including photographs to demonstrate implementation of corrective action. Your response should be received **no later than October 29, 2012.**

Please be aware that failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$10,000 per day of violation. We trust that ODOT will address the concerns noted herein in a timely manner so as to reduce sediment-laden discharges to the complainant's pond and avoid escalated enforcement.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/cs

cc: Randall Over, ODOT District 12
Ron Trivisanno, ODOT, Central Office
Trustees, Concord Twp.
Dan Donaldson, Lake SWCD
Eleanor Dochery

LAK 90.13.10 PID 75479
Concord Twp Lake County

Photos Taken: October 10, 2012
By: Dan Bogoevski, DSW, NEDO



Fig 1 (ABOVE). The complainant's pond is brown from sediment.



Fig 2 (RIGHT). Tributary that feeds into pond, upstream of the pond. Downcutting in the stream channel is evident. A lawn is maintained to the stream edge.



Fig 3 (ABOVE). Close-up of stream channel upstream of pond and downstream of construction shows that there is a slight amount of sediment in the water.



Fig 4 (RIGHT). Disturbed area along the median of I-90 has not been stabilized.



Fig 5 (LEFT). Storm drain inlet protection is in place around catch basins. This inlet is located along the eastbound lanes of I-90 at the crossover.



Fig 6 (RIGHT). Runoff inside catch basin pictured in Fig 5 shows that inlet protection is effectively minimizing sediment discharges to the storm sewer system.



Fig 7 (ABOVE). This storm drain inlet protection requires maintenance. It is located along the westbound lanes of I-90 at the crossover.



Fig 8 (RIGHT). Additional disturbed areas at the crossover need to be stabilized.