Ohio EPA
40 years and moving forward

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

November 5, 2012

RE: SUM-SEIBERLING PHS 2
3GC05686*AG
STORMWATER
SUMMIT COUNTY

Mike Teodecki
City of Akron Bureau of Engineering
166 S. High Street
Akron, Ohio 44308

Ray Kinney
Site Manager
Sitetech
35700 East Royalton Road
Grafton, Ohio 44044

Gentleman:

On November 2, 2012, this writer inspected the above referenced construction site for the purpose of determining compliance with General Construction National Pollutant Discharge Elimination System (NPDES) Permit No. 3GC05686*AG. Mr. Ray Kinney, Sitetech., was present during the inspection. Below is a summary of my observations:

1) Mr. Kinney stated that Detention Area 1 was not lined. During the inspection it was discharging, from a cut in the top of the dike, heavily laden sediment to the area between the pilings in Haley's Ditch. The Storm Water Pollution Prevention Plan (SWPPP) is not being followed as it calls for a lined basin and all collected water pumped to the storm water system to the west. **This is a violation of Ohio Revised Code 6111.07 for failure to follow the SWPPP required by NPDES Permit 3GC05686*AG.** Pictures are attached for your reference.
2) Collected water behind the pilings was being pumped directly to Haley's Ditch on the downstream side of the pilings (north end). The water was being pumped thru a small tube filter sock. The filter sock was ineffective as the discharge was extremely turbid. The SWPPP calls for the use of a filter bag for this type of discharge. A filter bag was observed in earlier inspections, but has not been seen in use during the last two inspections. The filter bag is required, it is not an option. This discharge was visually discoloring Haley's Ditch. **This discharge is a violation of Ohio Administrative Code 3745-1-04 and subsequently a violation of Ohio Revised Code 6111.07 for failure to follow the SWPPP required by NPDES Permit 3GC05686*AG.** Pictures are attached for your reference.

Please be advised that continuing to violate the SWPPP, the NPDES permit and Ohio's water pollution control laws may result in an enforcement action to be initiated by this office to seek civil and monetary penalties allowed under Ohio Revised Code 6111.99. If you should have any questions concerning any of the above, feel free to contact this writer at (330) 963-1136 or by e-mail at phil.rhodes@epa.state.oh.us.

Sincerely,

Philip P. Rhodes, P.E.
Environmental Specialist II
Division of Surface Water

PPR/cs

ec: Ray Kinney
Fred Fassnacht
Mike Wytrzyszczewski
Allison Giancola, Ohio EPA, DMWM, NEDO
Dave Dysle, Ohio EPA, DMWM, NEDO

11/2/2012: Unlined Detention Area 1 discharging to area behind the pilings.

11/2/2012: Pumping heavily laden sediment contaminated water to Haley's Ditch without a filter bag. Discharge is discoloring waters of the state of Ohio.