



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

November 29, 2012

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

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

John Jurko  
1820 State Route 7 NE  
Brookfield, Ohio 44403

Dear Mr. Jurko:

Ohio EPA continues to receive complaints alleging the offsite tracking of sediment (i.e. mud) into State Route 7. On October 25, 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 outlets on sediment basins 1, 5, and 6 have not been constructed in accordance with the details depicted within the "sediment basin data" table provided on page 4 of the storm water pollution prevention plan (SWP3). The table details the following information:

Sediment Basin No.	Standpipe Diameter (inches)	No. of Standpipe Holes	Diameter of Standpipe Holes (inches)
1	6.0	4.0	0.75
5	6.0	4.0	0.75
6	6.0	4.0	0.75

The riser pipes (i.e. standpipes) that have been installed exceed both the six-inch diameter and the number of holes. The riser pipes must be repaired in accordance with the Storm Water Pollution Prevention Plan (SWP3) to satisfy the minimum 48-hour drain time for sediment basins serving a drainage area over five acres. **The failure to implement the site's SWP3 constitutes violations of Ohio Revised Code (ORC), Chapter 6111.07, and Part III.B of the General Storm Water Permit.**

- Construction of the sediment basin embankments has not yet been completed. The embankments must be completed, in accordance with the site's SWP3, to ensure that the sediment basins have the required dewatering and sediment storage volumes.
- The volume of the sediment basins 1, 5, and 6 have been significantly reduced due to sediment accumulation. **The failure to remove accumulated sediment from the sediment storage zone constitutes violations of ORC 6111.07 and Part III.G.2.d.ii of the General Storm Water Permit.**
- 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." Ohio EPA has indicated where the appropriate BMPs must be installed during previous inspections. **The failure to provide appropriate BMPs constitutes violations of ORC 6111.07 and Part III.G.2.d of the General Storm Water Permit.**
- 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." The current BMPs implemented to prevent offsite tracking of sediment is not effective and must be replaced by a more effective BMP, such as installing a wheel wash.

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. **The failure to revise the site's SWP3 constitutes violations of ORC 6111.07 and Part III.C.3 of the General Storm Water Permit.**

#### **Corrective Action**

Ohio EPA has previously requested written reports detailing the corrective actions that have been or will be implemented to address violations documented within previous notices of violation (NOV). As of the date of this NOV, Ohio EPA has not received the required corrective action reports. Ohio EPA requests that you provide weekly updates detailing the corrective actions that have been implemented. **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.**

The following information must be submitted to Ohio EPA by **December 15, 2012**:

1. A written report that addresses the violations detailed above that includes dates for commencing and ending each implemented corrective action.
2. A revised SWP3 that is reflective of the BMPs that are to be installed on the portion of the site located east of Yankee Creek and includes the revised offsite tracking BMP.
3. Copies of site inspection reports for the period of July 1, 2012 through December 1, 2012 that document the following:
  - i. The inspection date;
  - ii. Names, titles, and qualifications of personnel making the inspection;

- iii. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
- iv. Weather information and a description of any discharges occurring at the time of the inspection;
- v. Location(s) of discharges of sediment or other pollutants from the site;
- vi. Location(s) of BMPs that need to be maintained;
- vii. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
- viii. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
- ix. Corrective action required including any changes to the SWP3 necessary and implementation dates.

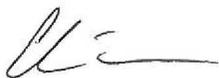
**Formal Enforcement**

If the above violations are not resolved and the requested information is not submitted by **December 15, 2012**, 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.

Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via email at [chris.moody@epa.ohio.gov](mailto:chris.moody@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/cs

cc: Gary Bauer

ec: Alexander Kostra, USACE  
Tomas Parry, Ohio EPA  
Craig Klein, KCI Associates of Ohio