



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

Re: **Notice of Violation**
Lucas County
City of Toledo National Museum of the Great Lakes
Construction Storm Water
Facility ID No. 2GC03231

December 21, 2012

Mr. Steven Day
City of Toledo
Division of Engineering Services
600 Jefferson Avenue, Suite 300
Toledo, Ohio 43604

Dear Mr. Day:

On November 7, 2012, Beatrice Miringu, City of Toledo Division of Environmental Services, and I inspected the City of Toledo National Museum of the Great Lakes at 1701 Front Street, Toledo (photos taken). The purpose of my 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. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Steve Kessinger, Construction Technician, City of Toledo Division of Engineering Services, was present to provide information. Ohio EPA has no record of other permittees for this project.

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

1. At the time of inspection, construction at the site was ongoing. Rough grading had occurred and the majority of the storm sewers were installed. The base for the pavement was not completely installed.
2. An SWP3 was onsite and available. The City of Toledo had a site log dated November 3, 2012, but it did not document grading and stabilization activities as required by the permit. *This is a violation of Part III.G.1.m. of the permit.* To stay in compliance with the stabilization requirements, I recommend that a site map be used to more accurately delineate work areas and note the related dates. Also, inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. The record and certification must be signed in accordance with Part V.G. of the permit. For more details on documenting inspections, please refer to Part III. G.2.i. of the permit.

3. Structural controls were not in place to address all runoff from the site. The north portion of the site, which bordered the Maumee River, drained towards the river. Along the length of the S.S. Col. James. M. Schoonmaker, it appeared that metal sheet piling had been installed. Behind the piling was a perforated tile in a stone trench. While in some locations existing grade was slightly below the sheet piling, this was not the case west and east of the Schoonmaker. *Permit Requires:* Structural practices shall be implemented to protect adjacent streams. *This is a violation of Part III.G.2.d.v. of the permit.* Silt fence must be installed along the river east and west of the Schoonmaker. If there is evidence of sediment laden water passing over or through the sheet piling and discharging into the Maumee River along the Schoonmaker, additional controls will be required in those locations.
4. The interior and the western portion of the site drained into a detention basin. This structure is required to meet the design requirements for a sediment settling pond until construction activities have ended and a perennial vegetative cover of 70% density has been achieved over the tributary area. It was not clear what amount of offsite drainage area that passed through the structure or if the basin had been designed to meet the permit requirements. This information is a required component of the site's SWP3. *This is a violation of Part III.G. of the permit. Permit Requires:* Concentrated runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection shall pass through a sediment settling pond. To qualify as a sediment settling pond, structures must meet the following specifications: a dewatering zone sized at 67 cubic yards per total contributing drainage acre; dewatering depth less than or equal to five feet (optimal depths are between three to five feet); for ponds serving five acres or more, the dewatering zone shall have a minimum 48 hour drain time; a sediment storage zone sized at 1,000 c.f. per disturbed acre; and the distance between inlets and the outlet at least 2:1 length:width ratio. *Please see Part III.G.2.d.ii. of the permit.* It will be necessary to modify the pond if it does not already meet all of these requirements. Please be aware that the design criteria often differs between sediment settling ponds, which are required during construction, and post construction storm water management ponds, which may be used to fulfill the Post Construction Storm Water Management requirements and are installed **after** the site has reached final stabilization.
5. Except for the catch basin that was being grouted, geotextile had been placed under the grates of all the catch basins. This is not an accepted method of inlet protection. As the catch basins are tributary to the pond, failure to install proper inlet protection is not a permit violation as long as the pond meets the design criteria of the permit (see item 4. above). It appeared that two smaller dandy curb bags were used end-to-end to cover the one larger storm sewer grate on Riverside Drive near the project's entrance. These should be replaced by an appropriately sized device. The remainder of the curb inlets along Riverside Drive did not have inlet protection, but there was little evidence of sedimentation or tracking. These inlets must be monitored during routine inspections. If future grade changes or activities result in discharges from construction activities

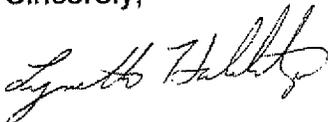
Mr. Steven Day
December 21, 2012
Page Three

becoming tributary to the inlets, additional sediment controls must be employed. For details on the installation and maintenance of proper inlet protection, please see the current edition of Ohio's Rainwater and Land Development Manual (ODNR) at: <http://www.dnr.state.oh.us/tabid/9186/Default.aspx>.

6. Please remember the permit requirements to apply cover within seven days on bare soil in any areas that will sit idle for more than 21 days or that have reached final grade. For areas within 50 feet of the Maumee River, cover is to be applied within two days. See *Part III.G.2.b.i. of the permit*.

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 include in your response how the post construction storm water management requirements will be met. Your reply must describe the type(s) of practices you are implementing and the basis for their design. If there are any questions, please contact me at 419-373-3009.

Sincerely,



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

/jlm

ec: Patekka Pope Bannister, City of Toledo, Division of Environmental Services
Steve Kessinger, Construction Technician, City of Toledo, Department of Public Utilities
Division of Engineering Services
Tracking