



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

January 18, 2013

RE: WAYNE COUNTY
CITY OF WOOSTER
CONSTRUCTION STORM WATER
WAYNE COUNTY MAINTENANCE FACILITY
PERMIT NO: 3GC06018*AG

NOTICE OF VIOLATION

Richard Feldkamp
ODOT District 3
906 N Clark Street
Ashland, OH 44805

Dear Mr. Feldkamp:

On January 9, 2013, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced site. I was accompanied by Dan Bogoevski of this office and B.J. Hoffman, Engineering Inspector for the City of Wooster. While on site, I met with Doug Ugie, Project Superintendent with Jeffrey Carr Construction and Rustin Ballmer, ODOT Transportation Manager 2 of the Central Office. Our records indicate that ODOT District 3 has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC06018*AG.

The Ohio EPA General NPDES Permit for Storm Water Associated with Construction Activities #OHC000003 requires all parties that meet the definition of "operator" contained in Part VII of the permit to obtain coverage under the NPDES permit. The definition of operator is any party associated with the construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or
2. The party has day-to-day operational control of those activities at a project, which are necessary to ensure compliance with the storm water pollution prevention plan (SWP3) or other permit conditions.

Jeffrey Carr Construction appears to meet the second of these criteria as it is our understanding that they oversee the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs). A review of our records does not indicate that Jeffrey Carr Construction has obtained coverage under the NPDES permit. **Failure to obtain NPDES permit coverage is a violation of Ohio Administrative Code 3745-39-04 and Ohio Revised Code 6111.04.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

To obtain NPDES permit coverage, Jeffrey Carr Construction must submit a Co-Permittee Notice of Intent (Co-Permittee NOI). The form and instructions are available on our website at www.epa.ohio.gov/dsw/storm/index.aspx under the Forms and Permits tab. The Co-Permittee

NOI was required to be submitted prior to your commencement of work on site. To correct this violation, please complete and submit a Co-Permittee NOI to:

Ohio EPA
ATTN: Michael Joseph, DSW
P.O. Box 1049
Columbus, OH 43216-1049

There is no fee to file the form; however Jeffrey Carr Construction will remain in violation of ORC 6111 until the Co-Permittee NOI is submitted. Please submit this form **no later than January 25, 2013**.

In addition to this violation, my inspection of the site revealed the following deficiencies:

- **Storm water inspections are not occurring regularly as required by the NPDES permit.** Please refer to Part III.G.2.i to ensure that the site is being inspected at a minimum of once every seven days and within 24 hours of a 0.5" or greater rainfall during a 24 hour period. A checklist must be completed and signed by the inspection and kept on site in a binder.
- The inspection report dated 11/06/12 called out that the temporary sediment control device was yet to be installed and that it was noted in the 10/08/12 field report as well. Part III.G.2.i of the NPDES permit states that repair and maintenance must be implemented **within 10 days from the date of the inspection**, requiring that it had been installed by 10/18/12 as per the 10/08/12 report. We observed that the riser is not installed for the sediment basin to date which is a **violation of the NPDES permit**.
- The SWP3 is a "living document"; this means that everything on site must be shown on the plans and everything shown on the plans should be found on site. If changes to the site occur, mark this on the SWP3. In particular, the SWP3 should show the revised concrete washout pit location and **inlet protection must be installed** on the site as per the SWP3.
- **Silt fence has not been installed in a functional manner or has not been maintained.** All sediment controls, including silt fence, must be capable of ponding runoff in order to settle sediment. Several stretches of silt fence were not trenched or backfilled and thus, were not capable of ponding runoff. The joint stakes of the silt fence must be connected by twisting the stakes together prior to staking them into the ground and sediment build up must be removed regularly. Please install/repair silt fence so that it is functional, particularly in the areas around the basin. Silt fence must remain in place until the upslope contributing drainage area has reached final stabilization, i.e., a vegetative growth density of 70% or greater has been achieved which is not expected to occur until the spring of 2013.
- **Stabilization, i.e., seeding and mulching, has not been initiated as required by the NPDES permit.** Temporary stabilization must be initiated within seven days of last disturbance on any disturbed area of the site if it will not be further disturbed within 21 days of last disturbance. Permanent stabilization must be initiated within seven days of

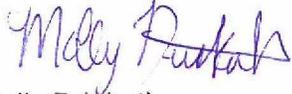
reaching final grade. No temporary or permanent stabilization was evident within the swale area to the sediment pond or around the salt dome. As we are now past the growing season, stabilization can be achieved either through mulching or dormant seeding.

- **The swale on the south side of the site bypasses the detention basin and therefore the SWP3 does not provide measures for sediment control during construction or for post-construction treatment for runoff collected.** The SWP3 does not provide any indication of how the post-construction requirements of the NPDES permit will be met for this area. Part III.G.2.e of the NPDES permit requires the plan of development to include permanent BMPs to address the quality and quantity of runoff from this site in perpetuity. Please review the situation with your project engineer and provide me with your post-construction BMP plan. Please note that the SWP3 is not complete without a post-construction BMP plan and a long-term maintenance plan for each post-construction BMP. One possible solution would be to install a sediment trap during construction and to retrofit the swale in order to provide post-construction treatment. Please refer to Table 2 in the Permit and the *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006) and add appropriate measures to the SWP3 to address this concern.
- **The runoff from the swale must be controlled prior to being discharged offsite.** Silt fence must be installed parallel to the channel and the geotextile and rip-rap needs to be extended through to the end of the channel.
- **Please install the riser pipe and provide calculations to show that the sediment basin is operating as intended.** The pond must function as a sediment basin until the contributing drainage area has reached final stabilization, i.e., a vegetative growth density of 70% or greater has been achieved, which is not expected to occur until the spring of 2013. The design used is outdated and no calculations were provided to verify storage, dewatering time or the orifice size. We observed that the riser is not installed and that the 1.2" water quality orifice is currently in place. Please confirm that this orifice does not have to be blocked during construction. The basin must provide a sediment storage volume of 1000 ft³ per disturbed acre and a minimum drawdown time of 48 hours as per Part III.G.2.d.ii of the NPDES permit.
- **Non-sediment pollution controls require repair and maintenance.** The trash dumpster is uncovered and must be covered with a lid or tarp to prevent the generation of leachate. Please pick up the gas containers and provide a spill kit as per the SWP3.

Please be aware that failure to install sediment and erosion controls in accordance with specifications contained in the SWP3 is a violation of Part III.G.2 of the NPDES permit. Failure to maintain and repair sediment and erosion controls is a violation of Part III.G.2.h of the NPDES permit. Failure to provide post-construction BMPs to treat the WQv is a violation of Part III.G.2.e of the NPDES permit. **Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

Please provide me with a letter of response indicating the actions taken to address the violations and deficiencies noted herein. Include any amendments to the SWP3 with your response. Your response should be received **no later than February 1, 2013**. If you have any questions, please contact me via email at molly.drinkuth@epa.ohio.gov or at (330)963-1215.

Sincerely,



Molly Drinkuth
Environmental Engineer
Division of Surface Water

MD/cs

cc: Roger Kobilarcsik, City of Wooster Engineer
B.J. Hoffman, Engineering Inspector, City of Wooster
Doug Ugie, Project Superintendent, Jeffrey Carr Construction
Rustin Ballmer, Transportation Manager 2, ODOT
Glenn Decker, Engineer, Sands Decker CPS, LLC
Carrie Yost, Jerome M. Scott Architects Inc.
Bob Breneman, Mayor, City of Wooster



No inlet protection in place as shown on SWP3



Joint stakes of the silt fence must be twisted together prior to being staked into the ground



Dumpsters need a tarp or lid to prevent leachate



Riser must be installed at the sediment basin outlet



Install SF and extend rip-rap to control discharge



Stabilize disturbed areas

Provide measures for treatment as runoff collected by swale bypasses the basin.