



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

January 11, 2013

RE: MEDINA COUNTY  
MEDINA TOWNSHIP  
PAT O'BRIEN CHEVROLET MEDINA  
NPDES PERMIT NO: OHC000003  
OHIO EPA PERMIT NO: 3GC05962\*AG  
CONSTRUCTION STORM WATER INSPECTION

**NOTICE OF VIOLATION**

Patrick O'Brien, Sr.  
Pat O'Brien Chevrolet  
3880 Pearl Road  
Medina, OH 44256

**CERTIFIED MAIL**

Dear Mr. O'Brien:

On December 13, 2012, Ohio EPA performed an inspection of Pat O'Brien Chevrolet Medina, located at 3880 Pearl Road, Medina Township, Medina County (site). During the inspection, I was accompanied by Molly Drinkuth of Ohio EPA. The site was represented by Gerard Bunce of Star, Inc., and an employee of Medina Excavating, Inc. who acted unprofessional. 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. 3GC05962\*AG.

**Storm Water Inspection**

The inspection documented the following:

- The site's storm water pollution prevention plan (SWP3) detailed that a concrete washout pit was to be located west of the construction entrance. Concrete wash occurring within this area; however, a concrete washout pit has not been constructed to prevent the discharge of pollutants to "waters of the state" (Figure 1) **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.**
- The site's SWP3 detailed silt fence to be installed along Fenn Road and east of the site's construction entrance. The silt fence has not been installed (Figure 2). **The failure to implement the site's SWP3 constitutes violations of ORC 6111.07 and Part III.B of the General Storm Water Permit.**
- The earth disturbance limit established on the SWP3 excludes the properties located at 4940, 4926, and 4914 Fenn Road. Construction activities have resulted in the disturbance of these properties and the SWP3 must be revised to include appropriate best management practices to address these properties. **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.**

- Inlet protection has not been installed on the storm sewer inlet located in the northwest corner of the site along Fenn Road (Figure 3). Sediment control structures shall be functional throughout the course of earth disturbing activity. **The failure to implement BMPs constitutes violations of ORC 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.**
- The site's construction entrance has not been installed in accordance with the location detailed on the SWP3. The site's SWP3 must be revised to properly depict the location of all BMPs. **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.**
- A diversion channel has been constructed to direct sediment-laden storm water runoff to sediment basin A and has not been depicted on the SWP3. The SWP3 must be revised to depict the location and design of this BMP. **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.**
- A diversion channel has been constructed to direct sediment-laden storm water runoff to silt fence located on the western portion of the site. Silt fence is not able to treat concentrated flow and a sediment trap is required to be installed within this location. The SWP3 must be revised to depict the location and design of this BMP. **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.**
- Concrete washout is occurring within the site's previous detention pond (Figure 4). Concrete washout is a wastewater and the General Storm Water permit does not authorize the discharge of wastewater. Under no circumstance shall concrete trucks wash out directly into a drainage channel, storm sewer, or surface waters of the State. The site must eliminate the discharge by:
  - i. Utilizing the detention basin as a concrete washout pit after the detention basin's outlet structures have been removed;
  - ii. Immediately stopping the concrete washout activities from occurring within the detention basin; or
  - iii. Utilizing the concrete washout pit depicted on the SWP3.

Please note that item i. above, if selected, will also result in the SWP3 to be revised. **The failure to prevent the discharge of pollutants associated with concrete washouts constitutes violations of ORC 6111.07 and Part III.G.2.g.i of the General Storm Water Permit.**

- Inlet protection is depicted on the SWP3 to be installed on the storm sewer inlet located west of 3900 Pearl Road. Inlet protection has not been installed in this location (Figure 5). **The failure to implement the site's SWP3 constitutes violations of ORC 6111.07 and Part III.B of the General Storm Water Permit.**

- A diversion channel has been constructed to direct sediment-laden storm water runoff to detention basin currently utilized for concrete washout activities and has not been depicted on the SWP3. The SWP3 must be revised to depict the location and design of this BMP. **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.**
- Silt fence requires maintenance in the northeast portion of the site. Sediment control structures shall be functional throughout the course of earth disturbing activity. **The failure to maintain functional BMPs constitutes violations of ORC 6111.07 and Part III.G.2.d of the General Storm Water Permit.**
- No BMPs have been installed to address the disturbed portion of the site located south of the existing vehicle sales lot and east of 4919 Fenn Road (Figure 6). Sediment deposition was observed within the neighboring properties. **The failure to implement BMPs constitutes violations of ORC 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.**

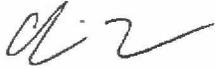
#### Corrective Action

The following information must be submitted to Ohio EPA by **January 31, 2013**:

1. A written report that addresses the violations detailed above that includes dates for commencing and completing each implemented corrective action.
2. A revised SWP3 that is reflective of the site and all BMPs that are to be installed to prevent the discharge of sediment to "waters of the state." The revised SWP3 must also satisfy the post-construction storm water management practices detailed within Part III.G.2.e of the general Storm Water Permit.
3. A copy of the site's post-construction storm water management long-term operation and maintenance plan.
4. Copies of site inspection reports for the period of July 1, 2012 through January 1, 2013 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.

Should you have any questions regarding this matter, please contact Molly Drinkuth at your earliest convenience at (330) 963-1215 or via email at [molly.drinkuth@epa.ohio.gov](mailto:molly.drinkuth@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/cs

cc: Gerard Bunce, Star, Inc.  
Medina Excavating, Inc.  
Dan Metz, Medina County Highway Engineers

ec: Molly Drinkuth, Ohio EPA, DSW, NEDO



**Table 1** - Concrete wash is occurring within an uncontained area.



**Table 2** - Silt fence has not been installed.



**Table 3** - Inlet protection has not been installed on the Fenn Road storm sewer.



**Table 4** - Concrete washout is occurring within the site's previous detention pond.



**Table 5** - Inlet protection has not been installed.



**Table 6** - No BMPs have been installed to address the disturbed portion of the site located south of the existing vehicle sales lot and east of 4919 Fenn Road.

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<p>1. Article Addressed to:</p> <p>Patrick O'Brien, Sr.                      Pat O'Brien Chevrolet                      3880 Pearl Road                      Medina, OH 44256</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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