



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

December 28, 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 December 19, 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. Below is a summary of my observations:

- 1) A review of the most current Storm Water Pollution Prevention Plan (SWPPP) in the construction trailer was done. The most current SWPPP did not contain any updates that reflect the changes that have been made to the handling of storm water on the east side of the site. As noted in previous site inspection letters, Detention Area 1 was not present. On this day, any storm water generated would collect behind the concrete pier as depicted in the following picture:

Concrete Pier on east side of site, isolating Haley's Ditch.

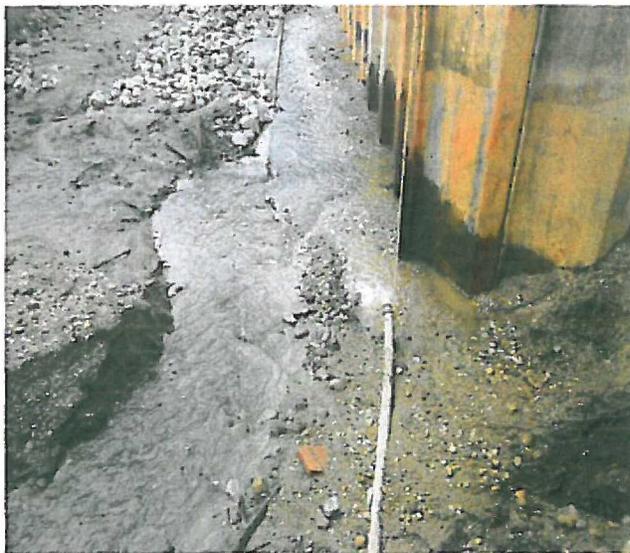


Reportedly during small storm events, the collected water infiltrates west to east under the concrete pier due the sandy soils and the rock base of the pier. Accumulated water it is then pumped directly to Haley's Ditch on the downstream side of the work area. During extended heavy rainfall this system can be overwhelmed backing up on the west side of the pier where it is then pumped directly to Haley's Ditch. This water is not receiving any treatment as it is not being pumped to the berm and subsequently to Detention Area 2, Detention Area 3 and finally to the storm water detention basin on the west side of the site. This BMP system is required by your currently approved SWPPP. As stated in this writers previous letters, **failure to implement sediment controls in compliance with the SWPPP is violation of Part III.G.2.d of NPDES Permit 3GC05686*AG and Ohio Revised Code (ORC) 6111.04 and 6111.07.**

Alterations or modifications to the BMP system must be formally documented by amending the SWPPP drawings and any associated verbiage. Please be advised that any changes to the SWPPP erosion and sediment controls for the site must be designed in accordance with Part III.G.2.d of the General Permit. The current practice does not appear to meet the aforementioned specifications. Should the specifications be met with the current practice it is still not acceptable as the discharge has been observed by this writer to discharge turbid waters that discolor the downstream waters of the state. **This is a violation of the general water quality criteria specified in Ohio Administrative Code 3745-1-04.**

- 2) Haley's Ditch is being redirected via sheet piling to the east of the concrete pier as depicted in the pictures below.

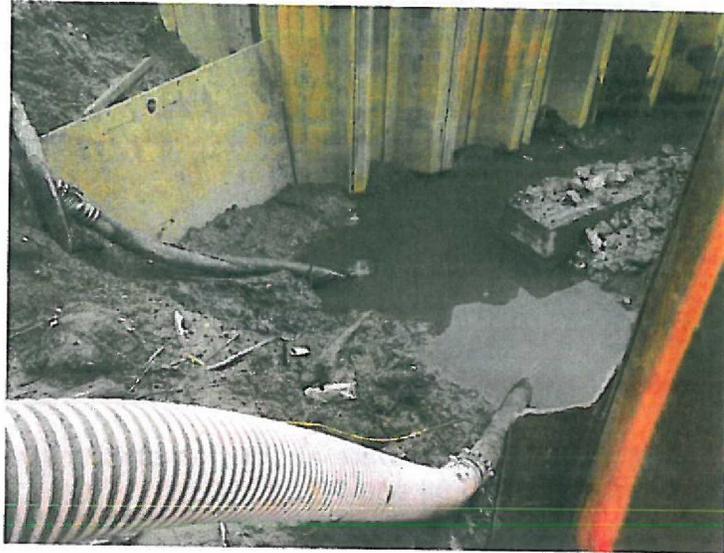
Redirected Haley's Ditch water east of concrete pier and west of sheet piling. South side.



Also seen in the above photo is the discharge end of a hose pumping water from the adjacent excavation east of the sheet piling. The water was visually turbid. **This dewatering practice is a violation of Part III.G.2.g.iv of the NPDES Permit 3GC05686*AG and ORC 6111.04 and 6111.07.**

- 3) The excavation area east of the redirected Haley's Ditch was also being pumped at the time of the inspection. The water is allowed to travel thru the work area where it is being pumped from the north end and into Haley's Ditch downstream of the site. At the time of the inspection, the pump inlets were located at the bottom of the excavation. No well point/filter was being used on the north end.

North end of redirected Haley's Ditch



South end of area east of the redirected Haley's Ditch



Area east of the redirected Haley's Ditch.
Note extremely turbid water.



The above listed and depicted practices are a violation of Part III.G.2.g.iv of the NPDES Permit 3GC05686*AG and ORC 6111.04 and 6111.07.

- 4) Haley's Ditch is being discolored downstream of the site by the water being pumped between the above excavations. While well points and gravel filtration have been observed in past inspections they were not being used at the time of this inspection. Additionally, it has been common practice to lay the inlet hose at the bottom of the excavations where solids are then pumped to Haley's Ditch. This writer has previously discussed this with site personnel and recommended that the intake be at least floated just below the surface of the water. Do not assume that the aforementioned recommendations as an approval of how storm water is being handled. Compounding the problem is the absence of any velocity reduction methods on the discharge ends of the piping, causing scouring of Haley's Ditch. Any previously deposited sediment is being flushed downstream. **Again, the dewatering and discharge methods described above are a violation of Part III.G.2.g.iv of the NPDES Permit 3GC05686*AG and ORC 6111.04 and 6111.07. Discharging highly sediment laden water and causing a color change downstream of the discharge point is a violation of the general water quality criteria specified in Ohio Administrative Code 3745-1-04.** The following photos show this impact on Haley's Ditch and Springfield Lake Outlet.

Haley's Ditch just downstream of bridge construction area



Haley's Ditch intersecting Springfield Lake Outlet



- 5) The silt fence required by the SWPPP as mentioned in my November 30, 2012 letter has not been replaced for weeks. Items such as silt fence should be replaced on a daily basis and required to be replaced within three days of inspection by site personnel or by

this office as required by the permit. **Failure to maintain the silt fence in a functional condition, until the drainage area it is intended to control has been stabilized, is a violation of Part III.G.2.h of the NPDES Permit 3GC05686*AG and ORC 6111.04 and 6111.07.**

- 6) It was noted that Detention Area 3 has been reinstated since this writers November 30, 2012 inspection.



- 7) The final sedimentation basin is acting as an infiltration basin. The pump has been removed from the dewatering standpipe as there has been no need to pump any collected water. Reportedly, the basin water level has never risen high enough to flow into the standpipe due to infiltration into sandy soils below the basin.



- 8) Since the November 29, 2012 inspection (November 30, 2012 letter), the access road into the site has become covered with sediment. Any rock that was present for the trucks to pass over out of the site has largely disappeared. This sediment is being dragged out onto Seiberling Avenue. A street sweeper should be used to sweep up this sediment on a daily basis if needed and additional rock placed on the exit road. Please be advised that street sweepings are classified as solid waste and must be disposed accordingly. **Failure to control off-site tracking of sediment is a violation of Part III.G.2.g.ii of NPDES Permit No. 3GC05686*AG and ORC 6111.04 and 6111.07.**
- 9) Copies of the inspection reports were obtained and later reviewed. The following deficiencies were noted:
 - a) The reports indicate that inspections are either not being done or documented after all qualifying ½-inch rainfall events.
 - b) The BMP for erosion and sediment control is the system of Detention Areas (1, 2 and 3), the berm around the consolidated landfill and the final sedimentation basin. The inspection log does not adequately define the location of all the BMP components, therefore making it impossible to tell whether or not each component is present and functioning.
 - c) No mention is made in the inspection log of the changes made to the SWPPP as the BMP's were removed, moved, maintained or reinstalled (ie: Detention Areas 1 and 3). Please refer to Part III.G.2.i of the General Permit for the information required in each inspection report and make the changes required.

Failure to provide the above listed information required in Part III.G.2. i is a violation of NPDES Permit 3GC05686*AG and ORC 6111.04 and 6111.07.

Action items

- 1) A copy of the complete SWPPP for the Eagle Street-Sum 84398 NPDES Permit No. 3GC05426*AG has yet to be submitted as requested in this writers November 30, 2012 letter. A time frame of December 14, 2012 was given for its submittal to this office in accordance with the time frame established in the General Permit. To date we have not received the SWPPP. **Failure to submit the SWPPP when requested in writing by this office by the aforementioned date is an on-going violation of General NPDES Permit No. 3GC05426*AG.** It is acknowledged that portions of the SWPPP are present in the construction trailer for the site. However, the plan is not a complete plan as there was no post construction BMP's included. We request that the City of Akron submit a complete SWPPP immediately.
- 2) If you wish to use controls other than those in the approved SWPPP, then the plan must be amended, approved by the City of Akron and submitted to this office for review. The need to amend the SWPPP and obtain approval was outlined in Part III.D of the General Permit and was first brought to your attention in this writer October 31, 2012 site inspection letter. We request that Sitetech/City of Akron submit a revised SWPPP detailing any and all change to the originally approved SWPPP immediately.
- 3) Update and submit a copy of the inspection report form to address the deficiencies noted above no later than January 11, 2013.

Failure to comply with the General Permit is a violation of Ohio Revised Code 6111.04 and 6111.07 subject to an enforcement action to be initiated by this office to seek monetary and civil 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, Sitetech
Fred Fassnacht, City of Akron
Mike Wyrzyszczewski, City of Akron
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