



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

February 19, 2013

RE: WAYNE COUNTY  
CITY OF WOOSTER  
CONSTRUCTION STORM WATER  
HOSPICE & PALLIATIVE CARE OF  
GREATER WAYNE CO.  
PERMIT NO: 3GC04946\*AG

**NOTICE OF VIOLATION**

Colleen Nettleton  
Hospice & Palliative Care  
of Greater Wayne County  
2525 Back Orrville Road  
Wooster, OH 44691

Dear Ms. Nettleton:

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 Barry Cochran, Project Manager and Adam Bogner, Assistant Project Manager of BCMC, Inc. Our records indicate Hospice & Palliative Care of Greater Wayne County has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04946\*AG.

The Ohio EPA General National Pollutant Discharge Elimination System (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.

BCMC, Inc. and Stout Excavating both appear 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 any Co-Permittee coverage under this NPDES permit has been obtained. 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 coverage, a Co-Permittee Notice of Intent (Co-Permittee NOI) must be submitted. The form and instructions are available on our website at [www.epa.ohio.gov/dsw/storm/index.aspx](http://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 BCMC, Inc. and Stout Excavating will remain in violation of ORC 6111 until the Co-Permittee NOI is submitted. **Please submit this form no later than February 28, 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 7 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 storm water pollution prevention plan (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 that the two separate sediment traps were combined into one and inlet protection must be installed on the site as per the SWP3.
- **The sediment traps are built within the existing pond, violating Part III.G.2.d.v of the NPDES permit. No sediment controls shall be used in a surface water of the State.** The sediment trap must be moved outside of the waters, adjacent to the existing pond, as shown on the SWP3. Please amend the location and update the SWP3 accordingly, if necessary.
- **Storm drain inlet protection has not been installed.** Please install dandy bags as stated in the SWP3. Inlet protection must be installed and maintained as the runoff collected does not go to the sediment pond and is therefore untreated. A detail for the inlet protection should be added to the SWP3, as well as a symbol for the drawing to show where it is necessary.
- **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 along the northern side of the site to protect the stream, around the stockpile area and along the southern side. Replace silt fence in areas where it is missing or where there are holes in the silt fence. The north side of the site

should be re-graded to minimize the area draining to the silt fence and also to eliminate erosion gullies which cause concentrated flows. 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 7 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 7 days of reaching final grade. No temporary or permanent stabilization was evident on the northwest corner of the site and it was unclear whether the spoils pile within the southeast corner of the site was stabilized as it was covered in snow. As we are now past the growing season, stabilization can be achieved either through mulching or dormant seeding.
- **Please verify that the modification of the existing pond provides the post-construction requirements of the NPDES permit.**
- **Non-sediment pollution controls require repair and maintenance.** The concrete washout pit was full. Please remove hardened concrete and restore the washout pit to its original design capacity to prevent an unauthorized discharge of wastewater to the environment. Runoff from the concrete/mortar mixing area must be collected either by creating a berm around the area or by grading the area toward the concrete washout pit. Sand piles should be covered to eliminate contaminated runoff. The trash dumpster does not have watertight lid as stated in the SWP3. Trash dumpsters must be covered with a lid or tarp to prevent the generation of leachate.

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 March 8, 2013**. If you have any questions, please contact me at [molly.drinkuth@epa.ohio.gov](mailto: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  
Barry Cochran, Project Manager, BCMC, Inc.  
Doug Stout, Project Superintendent, Stout Excavating  
John Long, Vice President, Shaffer, Johnston, Lichtenwalter & Associates, Inc  
Bob Breneman, Mayor, City of Wooster