



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

February 19, 2013

RE: WAYNE COUNTY
CITY OF ORRVILLE
CONSTRUCTION STORM WATER
THE QUALITY CASTINGS COMPANY
PERMIT NO: 3GC06285*AG

NOTICE OF VIOLATION

Bill Sampson
Quality Casting Co
1200 N. Main Street
Orrville, OH 44667

Dear Mr. Sampson:

On January 9, 2013, Ohio EPA conducted a compliance inspection for storm water best management practices (BMPs) at the above referenced construction site. I was accompanied by Dan Bogoevski of this office. No one was available to meet with on site. Our records indicate that Quality Casting Company has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC06285*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.

The Storm Water Pollution Prevention Plan (SWP3) lists Imhoff Construction Services as the Contractor/Co-Permittee. A review of our records does not indicate that any Co-Permittee coverage under this NPDES permit has been obtained. Failure to obtain 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 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 the violation of ORC 6111 will remain until the Co-Permittee NOI is submitted. **Please submit this form no later than February 28, 2013.**

The demolition appears to have occurred without the use of any sediment control, a violation of Part III.G.2 of the Ohio EPA Permit No. OHC000003. Sediment controls are to be installed prior to construction in accordance with Part III.G.2.d. No further construction shall take place before controls are in place.



No sediment control practices were in use during construction



After review of the SWP3, the following deficiencies are noted:

Erosion and Sediment Control

- The SWP3 should have included control measures for both the demolition phase and the construction phase of the redevelopment project. During the demolition phase, the storage/removal of the demolition material and identify potential sources of pollution associated with construction activities should be accounted for. Likely locations of potential sources should be identified, such as contaminated soil, and information on the proper disposal methods of should be included. All construction and demolition debris (C&DD) waste must be disposed of in an Ohio EPA approved C&DD landfill as required by Ohio Revised Code 3714.
- Sediment control devices should include proper protection of existing and proposed inlets and of the existing ditch, along with regular sweeping of the roadway. The specification included in the SWP3 for inlet protection is not suitable for inlets located within paved areas. Please review the specifications contained in the enclosure titled Storm Drain Inlet Protection from *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), and install inlet protection to meet these standards (i.e. Block and Gravel Drop Inlet Filter). The detail within the SWP3 must be modified. Silt fence should be installed along the eastern side of the existing ditch, on both sides of the construction entrance. The ends must be constructed upslope to allow the water to pond by preventing water to flow around the silt fence. The silt fence shown within the existing parking area on the Erosion Control Plan, Sheet C4 should be removed. Please amend the SWP3 accordingly.
- 12" storm sewer line and catch basins are being proposed outside of the current limit of disturbed area. All construction must be within the disturbance area. Please update the SWP3 and any calculations with the revised area.
- Although general locations for the concrete washout pit and construction entrance are provided on the Erosion Control Plan, Sheet C4, there is no Legend to identify them. A detail for the concrete washout pit is not included within the Erosion Details, Sheet C5. If filter sock is to be used, the location must be specified on C4. Please amend the plan sheets accordingly.
- General Notes 2 and 6 on Sheet C5, Erosion Details, must be amended to read that temporary stabilization must occur **within seven days** of the most recent disturbance within the area for any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State. Please note that any disturbed areas that will be idle over winter must be stabilized prior to the onset of winter weather.
- Sheet 2, General Notes, Inspection and Maintenance Procedures should include that Inspection records must be maintained for three years following the submittal of a Notice of Termination (NOT). As per the NPDES permit, the SWP3 shall include the

certification in Part V.H., be signed in accordance with Part V.G., and be retained on site during working hours. The Stabilization Practices section on Sheet 2 should also note that any disturbed areas that will be idle over winter must be stabilized prior to the onset of winter weather.

Post-Construction Water Quality

- The SWP3 does not include any plan for post-construction. This project must provide post-construction water quality practices to comply with Part III.G.2.e of the NPDES permit. Sites that have been previously developed where no post-construction BMPs were installed shall either ensure a 20 percent net reduction of the site impervious area, provide for treatment of at least 20 percent of the WQv, or a combination of the two.
- Table 2 on Page 23 of the NPDES permit identifies the standard post-construction BMPs approved for use throughout the state. Please amend the SWP3 should to clearly identify which of these practices is being implemented the project and describe the installation schedule. Recommended structural post-construction BMPs would be to either enhance the existing ditch to retrofit it into a bioretention cell or an enhanced water quality swale or to slope the pavement towards the northern edge and create a bioretention cell. A detailed drawing of the post-construction structures including elevations and storage volumes must be provided within the SWP3.
- A copy of the long-term maintenance plan must be provided to the party responsible for long-term maintenance of the post-construction BMP(s). This drawing should clearly indicate the size of the drainage area (which will probably be greater than the disturbed area) to the structure and the imperviousness or runoff coefficient used to calculate the Water Quality Volume (WQv).

Please provide me with a letter of response and include any amendments made to the SWP3 as a result of these comments. These concerns are to be addressed before construction activities at the site begin.

If you have any questions, please contact me at molly.drinkuth@epa.ohio.gov or at (330) 963-1215.

Sincerely,



Molly Drinkuth
Environmental Engineer
Division of Surface Water

MD/cs

Cc: Lynn Snyder, Engineer, City of Orville
William D. McCullough, P.E.
David Handwerk, Mayor, City of Orrville
Steve Wheeler, Public Service and Safety Director, City of Orrville