



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

Re: **Notice of Violation**
Erie County
Longhorn Steakhouse Restaurant
Construction Storm Water
Facility ID No. 2 GC03285

April 22, 2013

Mr. Jack Degagne
Rare Hospitality International, Inc.
1000 Darden Center Drive
Orlando, Florida 32827

Dear Mr. Degagne:

On April 3, 2013, I inspected the Longhorn Steakhouse Restaurant at 5219 Milan Road, Perkins Township (photo taken). The purpose of my visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Ohio EPA has no record of other permittees for this project.

As a result of the inspection, I have the following comments:

1. At the time of inspection, the site was not active. The exterior of the building appeared to be complete. Work appeared to be ongoing on the interior. The concrete parking lot and curbs appeared to have been recently poured. The Storm Water Pollution Prevention Plan (SWP3) and logs were not reviewed.
2. Functioning sediment controls were not evident. The geotextile was down on the small stretch of silt fence that had been installed along Milan Road. Sediment controls were not evident elsewhere onsite, including where runoff drained into the detention area to the south.

Permit Requires: Structural controls shall be used on all sites remaining disturbed for more than 14 days and remain functional until the upslope area has been restabilized. Sheet flow from denuded areas shall be intercepted by sediment barriers. Controls practices shall prevent sediment laden water from entering storm drain systems. *This is a violation of Parts III.G.2.d.i. and iii. of the permit.* The permit also requires that sediment controls be maintained. *Failure to repair the silt fence along Milan Road is a violation of Part III.G.2.h. of the permit.*

Sediment controls must be installed until the upslope drainage area has achieved final stabilization. All erosion and sediment control practices used to meet the conditions of this permit must meet the standards and specifications of the current edition of Ohio's *Rainwater and Land Development Manual* (ODNR) or other standards acceptable to Ohio EPA. A copy of this Manual may be found at <http://www.dnr.state.oh.us/tabid/9186/default.aspx>.

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3. Soils were bare, weathered, and rills had formed, indicating the timeframe for stabilization may have been exceeded.

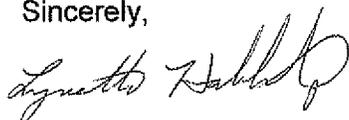
Permit Requires: Portions of the construction site that will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Temporary stabilization is required prior to the onset of winter weather for ground that will be idle over winter. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented. *Failure to do so is a violation of Part III.G.2.b.i. of the permit.* At a minimum, some type of temporary stabilization must be immediately applied to all bare idle areas. I recommend that all inactive, unstable areas be mulched (two tons straw/acre) until conditions are more favorable for permanent seeding.

4. It was not evident what post construction storm water management controls had been installed to meet the permit requirements. Your SWP3 must contain a description of the post-construction storm water management controls that will be installed during construction, including detail drawings, and the rationale for their selection. Such practices include bioretention areas, pervious pavement, detention/retention ponds with extended detention, and infiltration practices. *This is a violation of Part III.G.2.e. of the permit.*

Within 10 days of the date on this letter, please submit to this office **written notification** as to the reasons for the above mentioned comments as well as the actions taken or proposed to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion of the actions. Please describe how the post construction storm water management requirements will be met for this project. Your reply must include the type(s) of practices you are implementing and the basis for their design.

If there are any questions, please contact me at (419) 373-3009.

Sincerely,



Lynette M. Hablitzel, P.E.
Division of Surface Water
Storm Water Program

/jlm

cc: Crystal Dymond, Storm Water Program Coordinator, Erie Soil & Water Conservation District
Eric Dodrill, Highway Superintendent, Perkins Township
Jack Farschman, PE, PS, Erie County Engineer
Tracking