



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

Re: **Notice of Violation**
Erie County
Hampton Inn
Construction Storm Water
Facility ID No. 2 GC03372

April 22, 2013

Mr. Leonard Longer
Milan IV Company Ltd.
11608 U.S. Route 250
Milan, Ohio 44846

Dear Mr. Longer:

On April 3, 2013, I inspected Hampton Inn on the northeast corner of US Route 250 and the Ohio Turnpike, Milan Township (photos 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 (Construction General Permit or CGP). The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. No one was present to provide information on the project.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) application for this project. This form is used by construction site operators, as defined in Part VII.O. of the CGP, to become co-permittees with the initial permittee of a construction site. Please note that Part II.A of the CGP **requires all operators at a construction site to become co-permittees**. Copies of the Co-Permittee NOI may be downloaded from our website at <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

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

1. At the time of inspection, the site was not active. Earthmoving equipment was present. Rough grading had been done. Storm and sanitary sewers had been installed and a building pad had been constructed. Due to the lack of personnel, the Storm Water Pollution Prevention Plan (SWP3) and inspection logs were not reviewed.

2. No sediment controls were in use. *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 iv. of the permit.*

I recommend that proper inlet protection be installed. Pre-fabricated inlet protection products are available for curb and driveway catch basins. They may decrease labor costs, tend to have less installation error, and can be re-usable. Silt fence may also be required down-gradient from disturbed soils (*See Part III.G.2.d.iii of the permit*). All sediment and erosion control practices must meet the standards of the current edition of *Rainwater and Land Development: Ohio's Standards for Storm Water Management, Land Development, and Urban Stream Protection* prepared by Dan Mecklenburg. A copy of this Manual may be obtained at <http://www.dnr.state.oh.us/tabid/9186/default.aspx>.

3. A construction entrance was in place at the time of my inspection; however, dirt had been tracked into the street, including from ground north of the construction entrance. Construction entrances must be installed early in the process and vehicle/equipment access limited to those areas with proper entrances. The permit requires that a stable (non-erodible) construction entrance be installed where vehicles access sites and that measures be implemented to minimize vehicle tracking and dust generation. *This is a violation of Part III.G.2.g.ii.* Streets should be swept to remove tracked material.
4. It did not appear that stabilization had been implemented in accordance with the permit. The soil stockpiles present on the east and south sides of the site were bare.

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. 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. *Please see Part III.G.2.b.i. of the permit.* At a minimum, some type of temporary stabilization must be applied to all bare idle areas and maintained. I recommend applying straw mulch (two tons/acre) with a tackifier to all inactive, unstable areas.

Please note that the CGP has recently been reissued. You will be notified in the near future on how to reapply for permit coverage. Under this next generation of the permit, you will be required to temporarily stabilize any portion of the site that will remain inactive for more than 14 days.

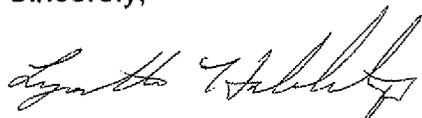
Mr. Leonard Longer
April 22, 2013
Page Three

5. 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. *Please see 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, PE
Division of Surface Water
Storm Water Program

/jlm

ec: Crystal Dymond, Storm Water Program Coordinator, Erie S&WCD
Jack Farschman, PE, PS, Erie County Engineer
Eric Dodrill, Highway Superintendent, Perkins Township
Tracking