



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

Re: **Notice of Violation**  
Erie County  
K & K Interiors  
Construction Storm Water  
Facility ID No. 2 GC01308  
Facility ID No. 2 GC03348

April 24, 2013

Mr. Derrick Marsh  
Janotta & Herner Inc.  
309 Monroe Street  
Monroeville, Ohio 44847

Mr. Charles Decaro  
AV Lake Construction Company  
3427 Venice Road  
Sandusky, Ohio 44870

Mr. Ray Kawakami  
K & K Interiors  
2230 Superior Street  
Sandusky, Ohio 44870

Dear Messrs. Marsh, Decaro, and Kawakami:

On April 3, 2013, I inspected K&K Interiors located at 4251 Venice Road, Sandusky (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). AV Lake Construction obtained permit coverage (Facility ID No. 2GC01308) for the initial construction of the site. Janotta & Herner Inc. (JHI) more recently obtained permit coverage (Facility ID No. 2GC03348) for the expansion of the existing warehouse. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111.

### **Original Building**

It appears that construction of the original building, paved parking lot, and a retention pond was completed years ago. A Notice of Termination (NOT) must be filed to relieve AV Lake Construction of the obligation to comply with this general permit. An NOT may be filed if one or more of the following conditions have been met:

- Final stabilization has been established on all areas of the site for which the permittee is responsible. Final stabilization means that all soil disturbing activities at the site are complete and a uniform perennial vegetative cover of at least 70% density has been established over the entire site. All temporary erosion and sediment control measures have been removed, properly disposed of, and all trapped sediment has been permanently stabilized; or
- Another operator(s) has assumed control over all areas of the site that have not been fully stabilized.

If these criteria have been met and you have installed the post construction storm water management facilities required by the permit, you must file the NOT form. The NOT form and instructions can be found on our website: <http://www.epa.ohio.gov/dsw/storm/stormform.aspx>. NOTs must be mailed to Ohio EPA's Central Office within 45 days of when the above criteria are met.

#### **K&K Interiors Permitting Obligation**

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) application for either of these projects. 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**. While it appears that JHI are acting as general contractor and responsible for the day-to-day operation of the site, K&K Interiors is the owner of the site and retains control over the design and specification. This letter serves to notify K&K Interiors of these permitting obligations. Please submit a Co-Permittee NOI to this office for the warehouse expansion or an explanation of why K&K Interiors is not an "operator". Copies of the Co-Permittee NOI may be downloaded from our website at: <http://epa.ohio.gov/dsw/storm/stormform.aspx>.

#### **Warehouse Expansion**

Mr. Curt Peacock, JHI Field Superintendent, was present to provide information. As a result of the inspection, I have the following comments:

1. At the time of inspection, construction at the site was ongoing. The exterior of the 46,000 s.f. addition to the existing warehouse was done. Work was continuing on the interior. The stone base for the drive was laid. Equipment was grading piles of spoil dirt west of the building.
2. A Storm Water Pollution Prevention Plan (SWP3) had been developed for the site and was available. It consisted of one drawing sheet. A general overview indicated some deficiencies, such as: no construction schedule, no detail drawings and calculations for the retention pond, no demonstration of how the post construction storm water management requirements will be met for the site, and no specifications for stabilizing soils. These are required components of the site's SWP3. *This is a violation of Part III.G. of the permit.*

3. Inspection logs were inadequate. *This is a violation of Part III. G.2.i. of the permit.* Work for the footers started December 11, 2012. The last log entry was January 2, 2013. Inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. All the log entries were on a single sheet and were very basic. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include: inspector name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with Part V.G. of the permit. The permit also requires that a log documenting grading and stabilization activities, as well as amendments to the SWP3, be maintained (see Part III.G.1.m. of the permit).
4. There were two existing storm sewer catch basins on the south side of the expansion that drained to a retention pond. Sufficient information was not available onsite to determine if the pond met the permit requirements for a sediment settling pond. Inlet protection had been installed, but this practice is not recommended as a primary means of sediment control. A storm sewer installed along the north side of the building discharged towards the west into a swale. This swale did not appear to pass through a sediment pond or have any other type of sediment control.

*Permit Requires:* Concentrated runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection shall pass through a sediment settling pond. To qualify as a sediment settling pond, structures must meet the following specifications: a dewatering zone sized at 67 cubic yards per total contributing drainage acre; dewatering depth less than or equal to five feet (optimal depths are between three to five feet); for ponds serving five acres or more, the dewatering zone shall have a minimum 48 hour drain time; a sediment storage zone sized at 1,000 c.f. per disturbed acre; and the distance between inlets and the outlet at least 2:1 length:width ratio. *This is a violation of Part III.G.2.d.ii. of the permit.* Sediment controls must be implemented to address runoff from the north side of the site.

5. The inlet protection on the catch basins south of the building was in disrepair. The upper layer of geotextile had been torn off and the bottom layer, hanging below the grate, was caked with sediment and stone. *Permit Requires:* All control practices shall be maintained and repaired as needed to assure continued performance of their intended function. *This is a violation of Part III.G.2.h. of the permit.* If the pond does not meet the design requirements for a sediment settling pond, inlet protection must be reinstalled and maintained.
6. Please keep in mind the permit requires stabilizing any portion of the site with bare soils that are not actively being worked. *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

Messrs. Marsh, Decaro and Kawakami  
April 24, 2013  
Page Four

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. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a surface water. 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. *See Part III.G.2.b.i. of the permit.*

7. 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. The SWP3 must address how the post-construction requirement will be met for all disturbed areas, including those not draining to the retention pond. *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, PE  
Division of Surface Water  
Storm Water Program

/jlm

pc: Crystal Dymond, Storm Water Program Coordinator, Erie Soil & Water Conservation District, Jane Cullen, Project Engineer, Division of Engineering, City of Sandusky

ec: Tracking