



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

Re: **Notice of Violation**
Lucas County
Surface Combustion Inc.
Construction Storm Water
Facility ID No. 2GC03378

May 24, 2013

Mr. William Bernard
WJB II Waterville LLC
29624 Durham Drive
Perrysburg, Ohio 43551

Mr. Dennis Schiets
The Lathrop Company
460 West Dussel Drive
Maumee, Ohio 43537

Dear Messrs. Bernard and Schiets:

On May 14, 2013, Zach Titkemeier, Tom Wilkins, and I inspected Surface Combustion Inc. at 1270 Waterville-Monclova Road, Waterville (photos taken). The purpose of our 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. Mr. Ray Benjamin, Project Executive; Mr. Denny Schiets, Project Manager; and Mr. Ryan Schwiebert, Site Superintendent, The Lathrop Company were present to provide information on the project.

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

1. The project is a building addition. At the time of inspection, some rough grading had been done; concrete footers were being poured; and steel beams were being put up on completed footers. A construction site entrance was present on the east side of the construction site. No sediment tracking was evident. Storm sewers had not been installed.

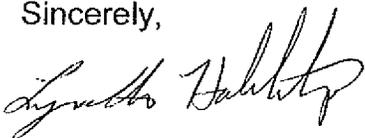
2. A Storm Water Pollution Prevention Plan (SWP3) had been developed for the site and was available. A log of inspection reports was kept and available on site. Inspection logs appeared to start on March 26, 2013. Inspections were conducted weekly and within 24 hours of a 0.5 inch or greater rain event during a 24-hour period. The most recent report available on site was from April 29, 2013. A general overview of the SWP3 indicated some deficiencies, such as no schedule for the implementation of storm water pollution prevention measures. This information is a required component of the site's SWP3. *This is a violation of Part III.G. of the permit.*
3. The permit 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). The Lathrop Company kept daily reports, a narrative that recorded activities. The daily reports were not on site for our review. We discussed with The Lathrop Company that stabilization is required on any idle portion of the site, including a stockpile, which may get overlooked when the activity notes are broad. To stay in compliance with the stabilization requirements, we recommended that a site map be used to more accurately delineate work areas and the related dates.
4. Silt fencing was the only form of sediment control in place at the construction site. It was placed around the perimeter of the work area. However, the grade was such that runoff from the southeast portion of the site appeared to drain northward under the construction entrance towards an existing detention area. Language in the SWP3 indicated that a sediment settling pond would be installed prior to grading and within seven days of grubbing in the southeast portion of the site, but the pond had not been installed. *Failure to implement the SWP3 is a violation of Part III.A. of the permit. Permit Requires:* Concentrated runoff and runoff from drainage areas which 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. Please see Part III.G.2.d.ii. of the permit. It will be necessary to install the proposed pond or modify the existing pond to meet these requirements.
5. The joints on the silt fence were not properly installed. The stakes were not twisted together before installation, with the geotextile wrapped around both posts to create secure joints in the fence line. *Permit Requires:* All erosion and sediment control practices used to meet the conditions of this permit should 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. *This is a violation of Part III.G.2. of your permit.*

6. A topsoil stockpile was present on the south side of the construction site. No temporary or permanent stabilization has been established. It appears 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. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a stream. 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, temporary stabilization must be applied and maintained on all bare idle areas. Lathrop staff indicated they may use geotextile to cover the stockpile (this would be an acceptable option).
7. A concrete rinse pit was being used at the time. It consisted of an earthen berm with a plastic liner. No discharge was evident.

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 should 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 Hablitzel, PE
Division of Surface Water
Storm Water Program

/jlm

cc: James M. Bagdonas
Brian Miller, P.E., Lucas County Engineer's Office
Mike Melnyk, Urban Stormwater Specialist, Lucas SWCD
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