



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

Re: **Notice of Violation**  
Lucas County  
Whitehouse Dollar General  
Construction Storm Water  
Facility ID No. 2GC03343\*AG

June 5, 2013

Mr. Mark Bush  
Whitehouse DG LLC  
361 Summit Boulevard, Suite 110  
Birmingham, Alabama 35243

Dear Mr. Bush:

On May 22, 2013, Tom Wilkins, Zachary Tittkemeier, and I inspected the Whitehouse Dollar General on the northwest corner of Whitehouse Square Boulevard, Whitehouse (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. No one was present to provide information on the project. 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, rough grading had been completed. The building was framed and several masons were at work on the exterior. The storm sewers and other utilities appeared to have been installed. A detention pond was present on the eastern border of the site. Two stone construction entrances were in place on the eastern border of the site. No sediment tracking was observed. It appeared that the stone base for the parking lot and drives had been placed.
2. Due to the absence of a project trailer and supervisor, the Storm Water Pollution Prevention Plan (SWP3) and inspection logs were not reviewed.

3. All temporary or permanent stabilization has not been established. Several soil stockpiles throughout the site were unstabilized. The soils were weathered and weeds had started to grow. The pond was not stabilized either.  
*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 minimum, some type of temporary stabilization must be applied to all bare idle areas and maintained. I recommend that all inactive, unstable areas be seeded and mulched (2 tons straw/acre). The pond banks/bottom may require erosion control matting.

4. Silt fence had been installed around the perimeter of the site except on the north side. I observed torn and collapsed filter fabric on the western border of the site.

*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.* This must be repaired.

5. Dandy bags had been placed on all catch basins. A detention pond had been installed on the east portion of the site. This structure is required to meet the design requirements for a sediment settling pond until construction activities have ended and a perennial vegetative cover of 70% density has been achieved over the tributary area. Without reviewing the SWP3, I am unable to determine if the pond meets the requirements of the permit. However, the large orifice (estimated diameter approximately 4 inches) on the outlet pipe seems oversized for a sediment settling pond.

*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. Also, common drainage locations serving an area with 10 acres or more disturbed at one time must have a sediment settling pond until final stabilization of the site is achieved. 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 5 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.* Please verify that the pond's current configuration meets these requirements. It will be necessary to modify the pond if it does not.

Mr. Mark Bush  
June 5, 2013  
Page Three

6. Although there was a roll-off onsite, a pile of debris (paper, plastic, cardboard, foam) was observed on the northeast portion of the site. Additionally, a large cardboard box containing black foam was present inside the sediment detention pond. *This is a violation of Parts III.G.2.g. of the permit.* These wastes must be immediately removed and properly stored/disposed.

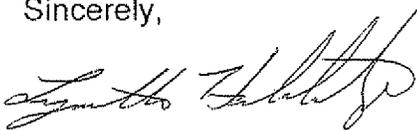
Within 10 days of the date on this letter, please submit to this office written notification as to the reasons for the above mentioned comments as well as the actions taken or proposed to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion 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.

Please include a copy of the site's SWP3 to this office within 10 days of the date on this letter. Your SWP3 must fulfill all of the requirements of Part III.G. of the permit.

Please note that **these permit conditions are applicable to all your permitted sites.** Dollar General has similar and reoccurring permit violations on multiple sites. That is of great concern to Ohio EPA. I advise reviewing the permit and evaluating all projects, including the Loudonville Dollar General, Toledo (Auburn) Dollar General, Toledo (Secor) Dollar General, Toledo (Lagrange) Dollar General, Toledo (Bancroft) Dollar General, New Washington Dollar General, Monroeville Dollar General, and the Mansfield Dollar General, to insure that they are implementing the appropriate sediment and erosion controls and following the conditions of the NPDES General Permit for Storm Water Discharges Associated with Construction Activities. Future non-compliance may result in escalated enforcement.

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

Sincerely,



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

/jlm

ec: Jordan Daugherty, Village Administrator, Village Of Whitehouse  
Tracking