



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

June 18, 2013

RE: PORTAGE COUNTY  
CITY OF TALMADGE  
CONSTRUCTION STORM WATER  
PERMIT NO: 3GC06403\*AG  
ROTOLINE USA-REDUCTION  
ENGINEERING BUILDING ADDITION

Mr. Bob Sly  
Mr. Jim Jones  
JC Jones Corporation  
5548 Akron Cleveland Rd  
Peninsula, OH 44246

**NOTICE OF VIOLATION**

Dear Mr. Sly and Mr. Jones:

On May 21, 2013, I performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site. Accompanying me on this inspection was Dan Bogoevski, Molly Drinkuth, and Julianna Murphy of the Ohio EPA's Division of Surface Water and Todd Schelat of JC Jones Corporation. Our records indicate that JC Jones Corporation obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC06403\*AG.

The Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities #OHC000003 requires all parties that meet the definition of "operator" contained in Part VII of the permit to obtain coverage under the NPDES permit. The definition of operator is any party associated with the construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or
2. The party has day-to-day operational control of those activities at a project, which are necessary to ensure compliance with the storm water pollution prevention plan (SWP3) or other permit conditions.

Any party overseeing day-to-day operations, including installation of construction and post-construction BMPs, requires coverage under the NPDES permit. Failure to obtain NPDES permit coverage is a violation of Ohio Administrative Code 3745-39-04 and Ohio Revised Code 6111.04.

To obtain coverage, a Co-Permittee Notice of Intent (Co-Permittee NOI) must be submitted. The form and instructions are available on our website at [www.epa.ohio.gov/dsw/storm/index.aspx](http://www.epa.ohio.gov/dsw/storm/index.aspx) under the Forms and Permits tab. The Co-Permittee NOI was required to be submitted prior to your commencement of work on site. To correct this violation, please complete and submit a Co-Permittee NOI to:

Ohio EPA  
ATTN: Michael Joseph, DSW  
P.O. Box 1049  
Columbus, OH 43216-1049

There is no fee to file the form; however, any operator without a Co-Permittee NOI will be in violation of ORC 6111 until the Co-Permittee NOI is submitted.

In addition to this violation, my inspection of the site revealed the following deficiencies:

- **Storm water inspections are not occurring regularly as required by the NPDES permit.** Please refer to Part III.G.2.i to ensure that the site is being inspected at a minimum of once every 7 days and within 24 hours of a 0.5" or greater rainfall during a 24 hour period. A checklist must be completed and signed by the inspector and kept on site. **Please send me a copy of your three most recent weekly storm water inspections.**
- The storm water pollution prevention plan (SWP3) is a "living document"; this means that everything on site must be shown on the plans and everything shown on the plans should be found on site. If changes to the site occur, mark this on the SWP3. In particular, the location of the rock construction entrance, concrete wash out pit and additional silt fence along the roadway must be added to the SWP3, and inlet protection must be installed on the site as per the specifications.
- **Stabilization, i.e., seeding and mulching, has not been initiated as required by the NPDES permit.** Temporary stabilization must be initiated within 7 days of last disturbance on any disturbed area of the site if it will not be further disturbed within 14 days of last disturbance. Permanent stabilization must be initiated within 7 days of reaching final grade. **No stabilization was evident on the western stockpile.**
- **Storm drain inlet protection has not been constructed properly.** Inlet protection was constructed simply by encircling drains with filter sock. Please review the specifications contained in the SWP3 and in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), and install inlet protection to meet these standards.
- **Silt fence has not been installed in a functional manner or has not been maintained.** All sediment controls, including silt fence, must be capable of ponding runoff in order to settle sediment. Silt fence must be trenched or backfilled and the joint stakes of the silt fence must be connected by twisting the stakes together prior to staking them into the ground. **Please repair silt fence so that it is functional.** Silt fence must remain in place until the upslope contributing drainage area has reached final stabilization, i.e., a vegetative growth density of 70% or greater has been achieved.
- **Concentrated flow from the roof downspouts must be diffused before runoff enters the wetlands in accordance with Part III.G.2.f of the NPDES permit.** Please review the level spreader specifications found in Chapter 4.2 of the *Rainwater and Land Development*, found online at: <http://www.dnr.state.oh.us/tabid/9186/default.aspx>. The silt fence that is currently in place is an inadequate sediment control for the concentrated flow. Please note that a **separate US Army Corps of Engineers Permit is required to discharge into a wetland.**

- **The SWP3 does not provide any indication of how the post-construction requirements of the NPDES permit will be met for the roof area draining offsite via the downspouts.** Part III.G.2.e of the NPDES permit requires the plan of development to include permanent BMPs to address the quality and quantity of runoff from this site in perpetuity. Please review the situation with your project engineer and provide me with your post-construction BMP plan. Please note that the SWP3 is not complete without a post-construction BMP plan and a long-term maintenance plan for each post-construction BMP.
- **Non-sediment pollution controls require repair and maintenance.** Remove hardened concrete and restore the washout pit to its original design capacity when necessary to prevent an unauthorized discharge of wastewater to the environment. Runoff from the concrete/mortar mixing area must be collected either by creating a berm around the area or by grading the area toward the concrete washout pit. Sand piles should be covered to eliminate contaminated runoff. The trash dumpster must be covered with a tarp or lid in order to prevent the generation of leachate. Please add secondary containment, such as a containment dike, and a spill kit at the fuel tank. Materials must be kept on site so that spills can be cleaned up should they occur and crews must be trained on proper spill response procedures. Any contaminated soil on site must be properly disposed of, such as where the machine leaked in the following picture.
- **Please Note:** The bio-retention soil mix is **NOT** to be installed until construction is complete as it provides post-construction water quality treatment. It must only be installed once the upslope contributing drainage areas have reached final stabilization, i.e., a vegetative growth density of 70% or greater has been achieved. As the soil appears to have already been installed, it will **need to be replaced once construction is complete.** Bioretention is a BMP designed to provide post-construction water quality treatment, not to be used for sediment control. **Please ensure that this area was not intended to provide sediment control during construction via a temporary sediment basin before being converted.**

Please adjust your SWPPP and submit any changes to the Ohio EPA **with a letter of response indicating any corrective changes to be received no later than July 12, 2013.** If you have any questions, email me at [josh.bewley@epa.ohio.gov](mailto:josh.bewley@epa.ohio.gov) or contact me at (330) 963-1128. If unavailable, you can also contact Molly Drinkuth at [Molly.Drinkuth@epa.ohio.gov](mailto:Molly.Drinkuth@epa.ohio.gov) or (330) 963-1215.

Sincerely,



Josh Bewley  
Assistant to the District Engineer  
Division of Surface Water

JB:ddw

cc: David G. Kline, Mayor, City of Tallmadge  
ec: Dan Bogoevski, Division of Surface Water, OEPA, NEDO  
Molly Drinkuth, Division of Surface Water, OEPA, NEDO  
Julianna Murphy, Division of Surface Water, OEPA, NEDO  
Eric Long-Portage County SWCD ([elong@portageswcd.org](mailto:elong@portageswcd.org))



Filter sock is improper inlet protection



Silt fence requires maintenance and disturbed areas require stabilization



Discharge into a wetland requires use of a level spreader



Roof runoff must be treated during and post construction



All wash out to occur in the concrete washout pit



Storage drums must have secondary containment



Dumpsters must be lidded or tarped



Contaminated soil must be disposed of in a dumpster



Bioretention is a post-construction BMP