



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

June 27, 2013

RE: WAYNE COUNTY
VILLAGE OF CRESTON
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05875
NORWAYNE MIDDLE SCHOOL
NOTICE OF VIOLATION

Bob Rinehart
Norwayne Local School District
350 S Main St.
Creston, OH 44217

Mr. Bob Rinehart:

On May 28, 2013, I conducted a compliance inspection at the above mentioned site to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05875*AG. Accompanying me on my inspection was Molly Drinkuth of the Ohio EPA Division of Surface Water and Woody Heabler, the superintendent on site. Our records indicate that Norwayne Local School District was granted coverage to discharge storm water under the NPDES permit on March 27, 2012.

On our inspection, we found that the Storm Water Pollution Prevention Plan (SWP3) and weekly storm water inspections were not kept on site. **Not having a SWP3 on site is a violation of Part III.C.2 of the NPDES permit.** Having a SWP3 on site is essential in ensuring that construction and post-construction storm water best management practices (BMPs) can be followed. **Part III.G.2.i of the NPDES permit states that an inspection of all storm water controls will take place once every 7 days and within any storm event where there is at least half an inch of rainfall and that those records should be kept up till 3 years after the submittal of a Notice of Termination (NOT).** By doing this inspection, deficiencies, such as failing silt fence can be quickly caught and fixed.

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 SWP3 or other permit conditions.

Any group that oversees the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs) requires a Co-Permittee NOI. A review of our records does not indicate that any Co-Permittee coverage under this NPDES permit has been obtained. 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 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 operators of the site will remain in violation of ORC 6111 until the Co-Permittee NOI is submitted. **Please submit this form no later than July 12, 2013.**

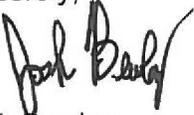
In addition, my inspection of the site revealed the following deficiencies:

- Storm water was being pumped out from the trench up against the building into the storm sewers. **This is a violation of Part III.G.2.g.iv of the NPDES permit that states there shall be no turbid discharges to surface waters of the State resulting from dewatering activities.** If trench or ground water contains sediment, it must pass through an effective sediment control device, prior to being discharged from the construction site. Sediment may be removed by settling in place or by dewatering into a sump pit, dewatering bag, or comparable practice.
- **Non-sediment pollution controls require repair and maintenance.** ALL concrete wash out is to occur ONLY at a concrete washout pit location. A concrete washout pit is a shallow pit lined with plastic that prevents contaminated runoff from entering the storm drains. 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. 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.

- **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 ensure that all joints are twisted together and 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.
- **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.

Please adjust your SWP3 to account for any changes that need to be made and submit any amendments to the Ohio EPA **with a letter of response indicating any corrective changes to be received no later than July 19, 2013.** In addition, please send your 3 most recent weekly inspections either by fax (330) 963-1128 or by email. If you have any questions, email me at 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 or (330) 963-1215.

Sincerely,



Josh Bewley
Assistant to the District Engineer
Division of Surface Water

JB:ddw

cc: William Armentrout, Mayor, Village of Creston
ec: Molly Drinkuth, DSW, NEDO



Dumpster shall be lidded or tarped



Concrete must be washed out in a concrete washout pit



Silt fence needs repair; if soil will sit for 14+ days, it must be stabilized



A spill kit is to be located nearby