



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

July 2, 2013

RE: MEDINA COUNTY
CITY OF BRUNSWICK
CONSTRUCTION STORM WATER
PERMIT NO: 3GC06438*AG
BRUNSWICK AUTOMART VOLKSWAGON
NOTICE OF VIOLATION

Mr. Gary Panteck
Panteck Properties II LLC
3031 Center Rd
Brunswick OH 44212

Dear Mr. Panteck,

On Thursday June 20, 2013, I conducted an 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 #3GC06438*AG. Accompanying me on my inspection was Jim Hodge, superintendent with Oberer Thompson Company and Julianna Murphy of the Ohio EPA Division of Surface Water. Our records indicate that Panteck Properties II LLC was granted coverage to discharge storm water under the general NPDES permit for construction activities on April 3, 2013.

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.

It is our understanding that Oberer Thompson oversees the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs), requiring 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 19, 2013.**

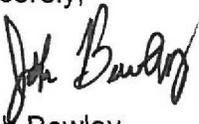
Upon our inspection of the Storm Water Pollution Prevention Plan (SWP3) on site and of the site itself, the following deficiencies were noted:

- Per the NPDES Permit, 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, soil stockpiles must be shown on the SWP3.**
- **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 banks of the sediment traps and the soil stockpiles.**
- **Silt fence has not been installed in a functional manner or has not been maintained as required by the NPDES Permit.** All sediment controls, including silt fence, must be capable of ponding runoff in order to settle sediment. Silt fence must be trenched and 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.)
- **Non-sediment pollution controls require repair and maintenance as per the NPDES Permit.** The concrete washout pit was full. Please remove hardened concrete and restore the washout pit to its original design capacity to prevent an unauthorized discharge of wastewater to the environment. **ALL concrete wash out is to occur ONLY at the washout pit location.** 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. 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.

- **The sediment traps discharged onto disturbed soils before exiting the site.** A sediment trap removes silt and sediment from water before it discharges a site. Having that clean water run through exposed soils makes that water become sediment laden again. Extending a rock spillway to the edge of the site or placing erosion control matting with rock check dams are acceptable solutions.

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 26, 2013.** 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,



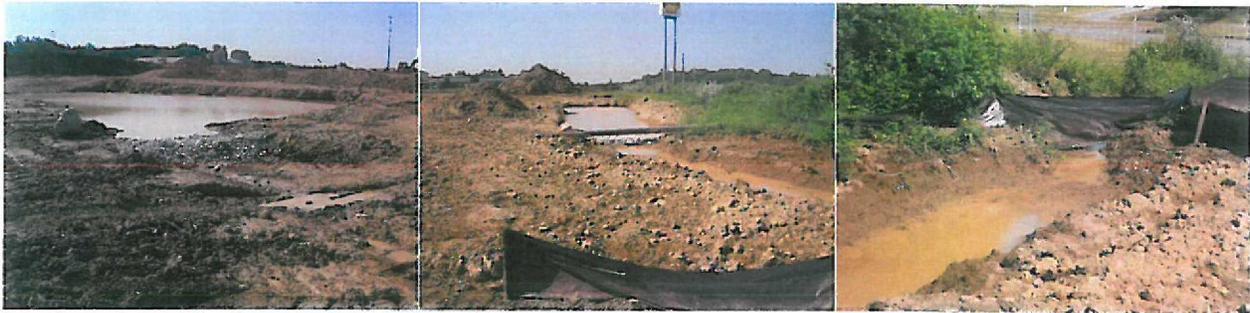
Josh Bewley
Assistant to the District Engineer
Division of Surface Water

JB:ddw

cc: Chris Hartman, Chagrin Valley Engineering
Jim Hodge, Oberer Thompson Company
Gary F. Werner, Mayor, City of Brunswick



Soil stockpiles must be stabilized if undisturbed for 14+ days. The must also be indicated on the SWP3.



Sediment traps discharge onto exposed soils before exiting site; silt fence is not properly installed.



Concrete washout must occur only in the pit
The pit must be lined with plastic.

The secondary rock construction entrance is in
need of redressing.