



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

July 9, 2013

RE: LORAIN COUNTY  
CITY OF ELYRIA  
CONSTRUCTION STORM WATER  
PERMIT NO: 3GC05717\*AG  
HAMPTON INN & SUITES ELYRIA  
**NOTICE OF VIOLATION**

Raj Chandat  
Sunrise Hospitality  
2220 S Main St.  
Mansfield, OH 44907

Dear Mr. Chandat:

On Wednesday June 13, 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 #3GC05717\*AG. Accompanying me on my inspection was Dan Bogoevski of the Ohio EPA Division of Surface Water and Kathy McKillips of the City of Elyria Engineering Department. We were also able to meet with Joe Page, construction manager of CPM. Our records indicate that Sunrise Hospitality Company was granted coverage to discharge storm water under the general NPDES permit for construction activities on October 28, 2011.

On our inspection, we found that weekly storm water inspections were not kept on site. **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 24 hours after 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, minor deficiencies, such as failing silt fence and inlet protection can be quickly caught and fixed.

The Ohio EPA General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activities #OHC000004 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 CPM oversees the day-to-day operations at the site, including supervising the installation and maintenance of storm water best management practices (BMPs), therefore 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](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 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 24, 2013.**

Upon our inspection of the site, the following deficiencies were noted:

- **The NPDES permit states that the SWP3 must contain a description of the post-construction BMPs that will be installed during construction for the site and the rationale for their selection...Detail drawings, relevant calculations and maintenance plans must be provided for all post-construction BMPs. Maintenance plans shall be provided by the permittee to the post-construction operator of the site upon completion of construction activities (prior to termination of permit coverage).** The current sediment pond is not an acceptable post-construction BMP. It can be modified into a water quality pond, a wet extended detention pond being the most logical choice, to meet post-construction requirements. Chapter 2.6 of the *Rain Water and Land Development Manual, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), (starting on page 47) contains specifications on water quality ponds. Below is a link to the Rain Water and Land Development Manual. [http://www.dnr.state.oh.us/portals/12/water/rainwater/Rainwater2009-6-23/6-23-09RLDFiles/6-24-09RLD Full Report.pdf](http://www.dnr.state.oh.us/portals/12/water/rainwater/Rainwater2009-6-23/6-23-09RLDFiles/6-24-09RLD%20Full%20Report.pdf)
- **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. **(Figures 1+2)**
- The site drained into wetlands between the hotel and the mall parking lot on the eastern part of the site and on the southwestern side of the side. **(Figures 3,4+5) Please note that a separate permit from the Army Corps of Engineers is required to discharge into a wetland. In addition the permit reads that concentrated storm water runoff from BMPs to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. Discharge should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities.**

- **Storm drain inlet protection has not been constructed per specifications contained in the SWP3.** Inlet protection was constructed simply by encircling drains with silt fence and iron rebar or placing sections of silt fence under the grate. This has resulted in failed storm drain inlet protection. **(Figure 6)** Please note that geotextile is to be supported by a wooden frame and cross braces constructed of 2"x4"s as well as wire mesh. There was also no curb inlet protection present. As long as the site remains unstabilized, curb inlet protection is required. **(Figure 7)** 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/repair inlet protection to meet these standards.
- **Silt fence has not been installed in a functional manner or has not been maintained as required by NPDES Permit.** 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.) **Silt fence was not present on the eastern, southern, and western sides of the site where water was flowing off of the site.**
- The current outlet structure on the sediment pond is not an appropriate outlet for post-construction. Post-Construction water quality ponds are to provide drawdown of a calculated extended detention volume (75% of the water quality volume (WQv)) in 24 hours, requiring the use of an appropriately sized orifice. The raised catch basin that is currently in the pond is not intended to provide extended detention. **(Figure 8)**

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 August 1, 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, you can email me at Josh.Bewley@epa.ohio.gov or contact me at (330) 963-1128. If unavailable, you can also contact Dan Bogoevski at Dan.Bogoevski@epa.ohio.gov or (330) 963-1145.

Sincerely,



Josh Bewley  
Assistant to the District Engineer  
Division of Surface Water

JB:ddw

cc: Kathy McKillips, City of Elyria Engineering Department  
Joseph Page, CPM Construction, Inc.  
Holly Brinda, Mayor, City of Elyria  
ec: Dan Bogoevski, DSW, Ohio EPA, NEDO



**Figures 1+2:** Site was not stabilized as required by the NPDES permit.



**Figures 3, 4+5:** Water flows directly off of the site and into adjacent wetlands.



**Figures 6, 7+8:** Catch basin backloged with sediment; curb inlet protection needed; inappropriate outlet for post-construction