



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

July 3, 2013

RE: WAYNE COUNTY
VILLAGE OF DALTON
CONSTRUCTION STORM WATER
PERMIT NO: 3GC05793*AG
DALTON PK-8 SCHOOL
NOTICE OF VIOLATION

Mr. Benjamin Pintabona
Scaparotti Construction Group
117 N Mill St.
Dalton, OH 44618

Dear Mr. Pintabona:

On May 29, 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 #3GC05793*AG. Accompanying me on my inspection was Molly Drinkuth of the Ohio EPA's Division of Surface Water, Terry Friedl, project superintendent with C.T. Taylor Construction, and Lucio Velotta, the project superintendent with Scaparotti Construction Group. Our records indicate that Dalton Local Schools was granted coverage to discharge storm water under the general NPDES permit for construction activities on January 30, 2012.

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 storm water pollution prevention plan (SWP3) or other permit conditions.

C.T. Taylor Construction and Scaparotti Construction Group both appear to meet at least one of these criteria as it is our understanding that they oversee the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs). 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. Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

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 C.T. Taylor Construction and Scaparotti Construction Group will remain in violation of ORC 6111 until the Co-Permittee NOI is submitted. **Please submit this form no later than July 12, 2013.**

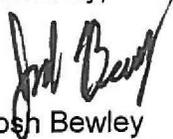
In addition, my inspection of the site revealed the following deficiencies:

- **Please confirm that the 12" outlet pipes were plugged and provide details and calculations for both construction and post construction design.** During construction, the sediment basin must be designed to drain water from the surface with a minimum drain time of 48 hours. A dewatering zone of 1800 cubic feet per acre of drainage area and a sediment storage zone of 1000 CF per acre of disturbed area must be provided. Calculations and elevations must be included within the SWP3. More information on skimmers and BMP specifications can be found in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection* (Ohio Department of Natural Resources, 2006), Manual. Once the site has been stabilized, the outlet pipes must be fitted with a post-construction orifice that designed to draw down the Water Quality Volume (WQv) over a time period in accordance with the NPDES permit. **For sediment trap 2**, not enough information is provided on the construction of the trap such as elevations and pipe calculations. Necessary calculations should be shown in the Storm Water Prevention Plan (SWP3).
- **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 inspection and kept on site in a binder. *(Recent inspection reports were received by OEPA on July 2, 2013).*
- **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 apparent on the soil stockpile near the existing high school building.**

- **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.
- **Non-sediment pollution controls require repair and maintenance.** The concrete washout pit was not properly constructed. Plastic liners should be placed inside the pit as to prevent wastewater from seeping into the groundwater. 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 does not have a watertight lid as stated in the SWP3. Trash dumpsters must be covered with a lid or tarp to prevent the generation of leachate. Secondary containment must be provided for fuel tanks and spill kits located nearby.
- **The map of the SWP3 called for grass filter strips to be installed, however, there was no detail provided in the SWP3.** A detail of the grass filter strip is necessary in providing instruction for the strip's construction.

Please provide me with a letter of response indicating the actions taken to address the violations and deficiencies noted herein. Include any amendments to the SWP3 with your response. Your response should be received **no later than July 19, 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

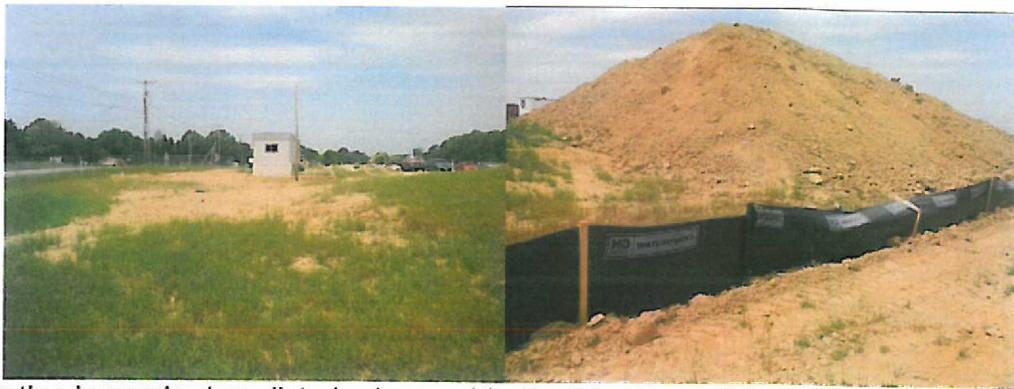
JB:ddw

cc: Terry Friedl, C.T. Taylor Construction
Lucio Velotta, Scaparotti Construction Group
Greenland Engineering
Judith Cox, Mayor, Village of Dalton

ec: Molly Drinkuth, DSW, NEDO



Please provide basin details to ensure drain time storage requirements are met



Stabilization is required on disturbed areas idle for 14+ days; silt fence requires maintenance



Inlet protection is insufficient and/or lacking



Dumpster must be tarped or lidded