



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: 3GC06318\*AG  
FORD ROAD BRIDGE  
**NOTICE OF VIOLATION**

Mr. Timothy J Ujvari  
City of Elyria  
131 Court St., Suite 303  
Elyria, OH 44035

Dear Mr. Ujvari:

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 #3GC06318\*AG. Accompanying me on my inspection was Dan Bogoevski of the our Division of Surface Water, Dave Gooch of K.E. McCartney, Hardie Mansfield of JD Williamson and Kathy McKillips, inspector for the City of Elyria. Our records indicate that the City of Elyria was granted coverage to discharge storm water under the general NPDES permit for construction activities on January 17, 2013.

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 JD Williamson oversees the day-to-day operations at the site, including the installation and maintenance of storm water best management practices (BMPs), which 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](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 19, 2013.**

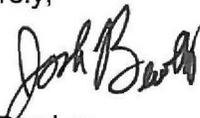
In addition to this violation, my inspection of the site revealed the following deficiencies:

- 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 must be found on site. If changes to the site occur, mark this on the SWP3. In particular, all rock construction entrances need to be shown on the site map.
- **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 soil stockpile or on the hillsides next to the roadway. (Figures 2+3)**
- **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 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, a vegetative growth density of 70% or greater. **(Figure 1)**
- **Storm drain inlet protection has not been constructed per specifications contained in the SWP3.** 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. 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. **(Figure 5)**
- The SWP3 did not include any structural sediment controls nor were there any on site. **The NPDES permit states that a sediment settling pond (including a sediment trap and sediment basin) is required for concentrated runoff or any flow that exceeds the capacity of silt fence.** The four ditches draining into the Black River all meet these criteria. Modifying the last section of these channels into sediment traps would fulfill this requirement. **(Figures 6+7)**

- **No post-construction BMPs intended to treat the water quality volume (WQv) were identified on the SWP3.** The NPDES permit states that the SWP3 shall contain post-construction practices that will be included on site to protect the receiving streams physical, chemical and biological characteristics. Retrofitting the ditch would be the easiest way to implement post-construction BMPs. As the water table is close to the ditches a practice that provides extended detention, such as constructed wetland or pocket wetlands would be the most logical choice.
- Several rock check dams were failing and allowing flow to bypass them by coming up around the dams. Dams must be constructed up above the channel in order to be effective. Please extend the dams farther up onto the channel, building up the channel bank if necessary. **(Figure 4)**

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 31, 2013.** If you have any questions, you can email me at Josh.Bewley@epa.state.oh.us or contact me at (330) 963-1128. If unavailable, you can also contact Dan Bogoevski at Dan.Bogoevski@epa.state.oh.us or (330) 963-1145.

Sincerely,



Josh Bewley  
Assistant to the District Engineer  
Division of Surface Water

JB:ddw

cc: Hardie Mansfield, JD Williamson  
Dave Gooch, K.E. McCartney  
Kathy McKillips City of Elyria Engineering Department  
Holly Brinda, Mayor, City of Elyria

ec: Dan Bogoevski, DSW, Ohio EPA, NEDO



**Figures 1, 2+3:** Examples of missing stabilization. Stakes on the silt fence are not tied off properly.



**Figure 4:** Rock check dams are failing.



**Figure 5:** This is insufficient inlet protection.



**Figures 6+7:** No sediment controls are in place. Placing sediment traps in the ditches would meet the requirement.