



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

July 18, 2013

RE: LAKE COUNTY
CITY OF PAINESVILLE
BROOKSTONE BLVD. & SHAMROCK
BLVD. ROAD EXTENSION
NPDES PERMIT NO. OHC000003
OHIO EPA PERMIT NO. 3GC06374*AG
CONSTRUCTION STORM WATER

Mr. Richard Lesiecki
City Engineer
66 Mentor Avenue, P.O. Box 601
Painesville, OH 44077

Dear Mr. Lesiecki:

On July 9, 2013, Ohio EPA conducted an audit of the City of Painesville and their Municipal Separate Storm Sewer System (MS4) Program. As part of the field review, our audit consisted of a site inspection of the Brookstone Blvd. / Shamrock Blvd. Road Extension project located at the Shamrock Business Center, City of Painesville, Lake County. Ohio EPA records indicate that the site is covered by the General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC06374*AG. I was accompanied by you as well as Nick Agins and John Niedzialek from the Lake County Soil and Water Conservation District during this inspection. The inspection documented the following deficiencies:

- It was observed that construction vehicles have been crossing the stream without a properly constructed temporary stream crossing (See Figure 1). Construction vehicles should cease from crossing the stream immediately until a proper temporary stream crossing is constructed. Details for culvert stream crossings and stream fords can be found in the Ohio Rainwater and Land Development Manual published by the Ohio Department of Natural Resources.
- Stabilization issues were very apparent throughout the entire site, particularly within the stream channel and areas adjacent to the stream. Please be aware that the General Construction Permit (#OHC000003) requires any areas located within fifty (50) feet of a surface water of the State to be stabilized within two (2) days of last disturbance (See Figures 2 & 3). In addition, any other areas throughout the site (e.g. the stock piles) which shall remain idle for greater than

twenty-one (21) days require temporary stabilization within seven (7) days of last disturbance until final grading is completed and permanent seeding can be placed. Please notice (for future reference) that the requirements of the most recent NPDES General Construction Permit (OHC000004) have been updated such that any permits issued after April 21, 2013 require temporary stabilization of any areas which shall remain idle for greater than *fourteen (14) days*.

- The concrete washout pit was filled beyond capacity and overflowing onto exposed soils and into the stream adjacent to the construction drive (See Figure 4). Please be aware that concrete washout pits should be abandoned upon reaching 75% of their storage capacity and concrete waste must be disposed of appropriately as specified in the storm water pollution prevention plan (SWP3). Solid concrete should be left to cure and thrown in a covered dumpster while any wash water is considered wastewater and shall be treated as such. A reconstructed or relocated concrete washout pit shall be identified on the SWP3 and those associated with paving activities must be aware of where washout pits are located and when they have reached their storage capacity. Any soils which have been in contact with concrete precipitate (a milky liquid) should be excavated and disposed of appropriately.
- Construction equipment was observed to be leaking oil onto exposed earth (See Figure 5). Drip pads or trays must be implemented until the equipment can be fixed and any soil which has been contaminated must be excavated and disposed of appropriately. Construction equipment and good housekeeping techniques should always be included as part of LCSWCD's storm water inspections to ensure that non-sediment pollutants are also controlled by a Best Management Practice (BMP).
- Conveyance channels were not permanently stabilized (i.e. with the use of seeding and mulch, erosion control matting/netting, rock check dams, etc.) as specified in the SWP3 (See Figure 6). Please be aware that conveyance channels must be permanently stabilized within seven (7) days of reaching their desired grade in order to prevent erosive flows.
- Post-construction BMPs have been installed too early in the construction process. The installation of infiltration trenches (bioretention cells) prior to stabilizing the contributing drainage areas can "clog" the bioengineered soil media and prevent the structure from functioning as intended upon completion of the site. Although silt fence and geotextile fabric were used in an attempt to protect these soils from sediment during construction, it was observed that the silt fence had failed long ago and that the geotextile fabric had large tears in it and grass growing through it (See Figure 7). Because of this, the bioengineered

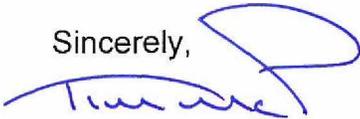
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soil media must be replaced upon completion of the site to ensure that the BMP will infiltrate runoff as intended. Also, please ensure that appropriate inlet protection is installed for the catch basin within these structures as required in the SWP3. Placing a sheet of plywood over the grate is not an acceptable practice.

- Although initial plans for the site may have been drafted prior to passing of the City of Painesville Codified Ordinance Chapter 1121, it was observed that construction had not commenced until after the passing of these regulations. Since the post-construction BMPs are required to be re-worked upon completion of the site, it would also make sense to check that the structure has been designed to meet or exceed the requirements of Chapter 1121 and Ohio EPA's General Construction Permit OHC000003. Please ensure that these structures are redesigned if local requirements aren't met with the current design.

Please provide me with a letter of response indicating the actions you will take to address the deficiencies noted above. Your response must be received and corrective action completed by August 5, 2013. If corrective action cannot be completed by this date, your response should indicate why, as well as include the date by when corrections will be completed. If a response is not received and/or a repeated incidence of the issues described in this letter occurs, these issues will escalate to violations and are subject to fines and other possible enforcement actions. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1125 or by e-mail at timothy.mcparland@epa.ohio.gov.

Sincerely,



Tim McParland
Assistant to the District Engineer
Division of Surface Water

TM:bo

pc: Dan Donaldson, District Administrator, Lake County SWCD

ec: Dan Bogoevski, DSW, NEDO
Nick Agins, Lake County SWCD (nagins@lakecountyohio.gov)
John Niedzialek, Lake County SWCD (jniedzialek@lakecountyohio.gov)



Figure 1. Construction vehicles should refrain from crossing the stream until a temporary stream crossing is constructed.



Figure 2. Areas within fifty (50) feet of the stream require stabilization within two (2) days of last disturbance.



Figure 3. The embankment of the stream must be stabilized. The severe slope may require erosion control matting or netting.



Figure 4. The concrete washout pit must be abandoned and concrete waste must be disposed of appropriately.



Figure 5. Leaking equipment must be addressed immediately. In the mean time, drip pads or pans must be implemented.



Figure 6. Conveyance channels must be permanently stabilized within seven (7) days of reaching their desired grade.



Figure 7. The bioengineering soil media must be replaced upon completion of the site to ensure proper infiltration of runoff.