Ohio EPA
40 years and moving forward
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: **Notice of Violation**
Richland County
US Department of Veteran Affairs
Outpatient Clinic
Construction Storm Water
Facility ID No. 2GC03186*AG

July 30, 2013

Mr. Joe Zupan
McCready-Zupan Holdings, LLC
2310 Village Park Court
Mansfield, Ohio 44906

Dear Mr. Zupan:

On July 11, 2013, Zachary Titkemeier and Tom Wilkins inspected the US Department of Veteran Affairs Outpatient Clinic located at the southeast corner of the intersection of South Trimble Road and Marion Avenue, Mansfield (photos taken). The purpose of the visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Mr. Todd Studer, site superintendent for the Adena Corporation, was present to provide information on the project.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) application for this project. This form is used by construction site operators, as defined in Part VII.O. of the Construction General Permit (or CGP), to become co-permittees with the initial permittee of a construction site. Please note that Part II.A of the CGP **requires all operators at a construction site to become co-permittees**. It appears that the Adena Corporation is acting as general contractor and responsible for the day-to-day operation of the site. This letter serves to notify the Adena Corporation of these permitting obligations. Please submit a Co-Permittee NOI to this office or an explanation of why the Adena Corporation is not an "operator". Copies of the Co-Permittee NOI may be downloaded from our website at http://epa.ohio.gov/dsw/storm/stormform.aspx.

As a result of the inspection, we have the following comments:

1. At the time of inspection, construction at the site was ongoing. A roof was being installed on a new building. Sidewalks and curbs had been poured and some drives had been paved while others were only graveled. All storm water piping and catch basins had been installed, most of which drained to an existing retention basin.

2. A Storm Water Pollution Prevention Plan (SWP3) had been developed for the site and was available. On July 12, 2013, I requested that you send me an electronic copy of the SWP3 and you emailed me a copy of Drawings C2.0 through C2.5 that same day. A general overview indicated some deficiencies, such as a failure to amend page C2.2 – Product Specific Practices – Concrete Trucks. This section indicates that a washout pit was to be used for concrete washout, but no such pit had been used. Some washout was discharged into the grass southwest of the building and most was discharged into a stone apron near the south property line.

   Additionally, the SWP3 does not provide a clear delineation of storm water piping and does not provide details into the smaller storm water detention cell between the pond's outlet structure and Trimble Road. There is an inlet pipe extending from the north end of this smaller detention cell but this inlet is not mentioned in the plans. The SWP3 must display all drainage pipes that discharge storm water so as to account for the total flow rate. A sediment basin was mentioned in the construction sequence on Drawing C2.1 and on C2.2 but design information and detail drawings were not provided. On drawing C2.1, the area used in calculating Water Quality Volume (WQv) is labeled as "the disturbed site area". This is incorrect. The entire drainage area tributary to the practice must be used to determine WQv.

   Offsite drainage from the east is tributary to the retention pond and must be included in sizing the pond. Detail drawings showing the Extended Detention Volume, sediment storage volume, and permanent wet pool volume with their corresponding elevations, orifice sizing calculations, and a demonstration that no more than the first half of the required Extended Detention Volume is released in the first eight hours were not provided in the SWP3.

   On Drawing C.2.1, under "General Notes", it states that records are to be kept for two years after submittal of the Notice of Termination (NOT). The permit requires records to be kept for three years after submittal of an NOT. Installation of a sediment settling pond was mentioned in the construction sequence on Drawing C2.1 and in C2.2 but calculations and detail drawings were not provided. *These are violations of Part III.G. of the permit.*

   When revising the SWP3, please show for each post construction storm water management control: the calculations of the WQv, a detail drawing of the structure with relevant elevations, stage-storage tables, and release rate calculations. Please include a drawdown table or curve that demonstrates that no more than one-half of the required extended detention volume is released in the first third of the required drawdown time. Offsite drainage must be included when sizing the structure. The SWP3 must address how the post-construction requirement will be met for all disturbed areas, including those not draining to the pond. For sediment settling ponds, the SWP3 must include calculations and detail drawings. These must show riser pipe/spillway locations, the required dewatering and sediment storage volumes, the provided dewatering and sediment storage volumes, their related elevations, and outlet sizing calculations.

3. Inspection logs were not kept. Inspections must be conducted weekly and within 24 hours of a 0.5" rainfall. Inspections must include: disturbed areas, material storage areas, all sediment and erosion control measures, discharge locations, and all vehicle access points. Records must include: inspector name and qualifications, inspection date, observations, a certification that the facility is in compliance with the SWP3 and the permit, and identify any incidents of non-compliance. The record and certification must be signed in accordance with Part V.G. of the permit. *This is a violation of Part III. G.2.i. of the permit.*

4. Runoff from the site passed through silt fence located around the perimeter, inlet protection, and a retention pond located in the southwest portion of the site. In some areas, catch basins with inlet protection were also tributary to the pond. Due to drainage area size, topography, and the presence of concentrated flows, the primary sediment control required for this project was one or more sediment settling ponds. None had been installed. *Permit Requires*: Concentrated runoff and runoff from drainage areas that exceed the design capacity of silt fence or inlet protection shall pass through a sediment settling pond. To qualify as a sediment settling pond, structures must meet the following specifications: a dewatering zone sized at 67 cubic yards per total contributing drainage acre; dewatering depth less than or equal to five feet (optimal depths are between three to five feet); for ponds serving five acres or more, the dewatering zone shall have a minimum 48 hours drain time; a sediment storage zone sized at 1,000 c.f. per disturbed acre; and the distance between inlets and the outlet at least 2:1 length:width ratio. *This is a violation of Part III.G.2.d.ii. of the permit.*

   One or more sediment settling ponds must be constructed to lessen the impact of sediment laden runoff. Diversion berms or trenches may be required to convey runoff to the basin(s). The existing retention pond is required to meet the design requirements for a sediment settling pond until construction activities have ended and a perennial vegetative cover of 70% density has been achieved over the tributary area. I recommend using a floating weir (Faircloth or Delaware) as the outlet device for the dewatering volume on the existing pond.

5. There were locations where the silt fence had been overtopped by sediment and appeared to be washed down. In some spots, multiple lines of silt fence had been installed. Looking at the site plans, silt fence appeared to have been placed in locations where the drainage areas exceeded the values in the table below. *Permit Requires*: The maximum drainage area behind silt fence is:

Drainage Area for 100 Lineal Ft. of Silt Fence	Range of Slope
0.5 acres	<2%
0.25 acres	≥2% but <20%
0.125 acres	≥20% but <50

Where the above criteria are exceeded, a diversion that directs runoff to a sediment settling pond is required. *This is a violation of Part III.G.2.d.iii. of the permit.*

6. Several controls needed maintenance. Silt fence was in disrepair, with geotextile down off the stakes and sediment depths appearing over half the height of the fabric. Dandy Bags alongside the drive extending from Trimble Road were clogged with sediment. The presence of grass growing on top of these two Dandy Bags indicates that they have been in need of cleaning for some time. Additionally, an existing storm inlet grate near the northeast corner of the site, on the south end of Marion Avenue, was badly rusted and falling apart. A hole had formed in the center and the grate bars were not attached to the sides at some points. The presence of large sediment deposits around the edges of the pond indicates that the pond may need to be dredged to restore it to its intended capacity. Furthermore, the outlet pipe from the outlet headwall leading into the smaller detention cell was more than halfway clogged with sediment. This concrete pipe should also be cleaned to restore the pond's drainage efficiency. This lack of maintenance resulted in minimal sediment settling, as evident by the turbid water that was discharging into the unnamed ditch west of South Trimble Road on the other end of the culvert. *Permit Requires*: All control practices shall be maintained and repaired as needed to assure continued performance of their intended function. *This is a violation of Part III.G.2.h. of the permit.*

7. Sediment tracking was observed on the drive extending from Trimble Road. The gravel drive extending from Marion Avenue was filling with sediment and needed to be redressed or paved. The permit requires that vehicle tracking and dust generation must be minimized. *This is a violation of Part III.G.2.g.ii.of the permit.*

8. All temporary or permanent stabilization has not been established. Unstabilized soil stockpiles were located northeast of the building and along the southern property line, southeast of the pond. Additionally, a large area directly south of the pond had been excavated and left unstabilized. It appears that this area had been used as a borrow site. Large gullies had formed along this borrow site's steep banks and a wide channel had eroded to connect the borrow site to the pond. Long term erosion was evident by the large rills and gullies present. The presence of rills, gullies, and amount of weed growth indicate the timeframe for stabilization may have been exceeded.

   Permit Requires: Portions of the construction site that will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Temporary stabilization is required prior to the onset of winter weather for ground that will be idle over winter. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a stream. Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until

more permanent methods can be implemented. *Failure to do so is a violation of Part III.G.2.b.i. of the permit.*

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable (due to seasonal conditions), alternative stabilization techniques must be employed and maintained. It is important to note that some type of cover is needed to minimize sediment loss until a sufficient cover of vegetation has been established to prevent erosion. At a minimum, some type of temporary stabilization must be applied to all bare idle areas and maintained. I recommend applying straw mulch (two tons/acre) with a tackifier to all inactive, unstable areas until seasonal conditions support seeding with mulch.

9. An underground water source was observed southeast of the pond. It was not clear whether this was a spring, a high ground water table, or a leaking agricultural drainage tile. However, this water source was discharging a steady stream into the pond and had eroded a wide gully into the south end of the pond. A small waterfall had formed halfway along this eroded channel. The extent of the erosion indicates that this water source had been discharging into the pond for an extended period of time. Please determine the source of the water and take necessary actions to provide a stable channel. Please be aware that if this will be an ongoing discharge it will need to be considered in the long term design of the post construction storm water management control. Sediment laden water was observed leaving the site. While the area has experienced recent heavy rains, the conditions of the permit have not been implemented to minimize the discharge of pollutants.

Within 10 days of the date on this letter, please submit to this office written notification as to the reasons for the above mentioned comments as well as the actions taken to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion of the actions, as well as those revised portions of the SWP3 that demonstrate compliance with the sediment settling pond and post construction storm water management requirements of the permit. We will revisit the site in one week to reassess compliance.

If there are any questions, please contact me at (419) 373-3009.

Sincerely,

Lynette Hablitzel, P.E.
Division of Surface Water
Storm Water Program

/jlm
ec: Robert P. Bianchi, City of Mansfield, Chief Deputy City Engineer
Daniel J. Neff, President/Owner, Neff & Associates
Tracking
pc: Todd Studer, Adena Corporation