



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

August 7, 2013

RE: LORAIN COUNTY
CITY OF AVON
CONSTRUCTION STORM WATER
PERMIT NO: 3GC06170*AG
L & W INC

NOTICE OF VIOLATION

Mark Jones
L & W INC
17757 Woodlands Dr.
New Boston, MI 48164

Dear Mr. Jones:

On Thursday, July 25, 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 #3GC06170*AG. Accompanying me on my inspection was Dean Stoll of Ohio EPA's Division of Surface Water and Tracy Workley, Storm Water Inspector for the City of Avon. Our records indicate that L & W Inc. was granted coverage to discharge storm water under the general NPDES permit for construction activities on October 18, 2012.

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

- **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.
- **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 and 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.

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L&W Engineering Facility

Per Ohio Administrative Code 3745-39-04, please be aware that storm water runoff from your facility is subject to the National Pollutant Discharge Elimination System (NPDES) permit program. Information reviewed on the company website reveals that industrial activities at this site are categorized by Standard Industrial Classification (SIC) Code 3449: Miscellaneous Structural Metal Work. Facilities described by SIC code 3449 must assure that storm water runoff from their property complies with the requirements of the Ohio EPA General Storm Water NPDES Permit for Storm Water Associated with Industrial Activities #OHR000005. L&W Engineering must identify the source(s) of storm water pollutants and take all measures necessary to control their discharge.

A review of our records does not indicate that L&W Engineering has applied for NPDES permit coverage. **Please be aware that discharging storm water without an NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07.** Violations of ORC 6111 are punishable by fines of up to \$10,000 per day of violation.

To obtain NPDES permit coverage, you must develop a Storm Water Pollution Prevention Plan (SWP3) and submit the enclosed Notice of Intent (NOI). A check for the permit fee must accompany the NOI. Send completed materials to:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, OH 43216-1049

The permit fee for industrial storm water general permits is \$350. Checks should be made payable to the Treasurer of the State of Ohio. Additional copies of the NOI and instructions can also be downloaded from our website at:

http://www.epa.ohio.gov/dsw/permits/GP_IndustrialStormWater.aspx.

Storm Water Pollution Prevention Plan (SWP3)

The primary requirement of the NPDES permit is development and implementation of the SWP3. Guidance material for developing an SWP3 is available at the aforementioned website. The SWP3 must be developed before submitting the NOI. The SWP3 must:

- Identify pollutants which may come into contact or otherwise contaminate storm water runoff;
- Provide a site map indicating the location of pollutants, drainage patterns and points of storm water discharge;

- Identify Best Management Practices (BMPs) to eliminate or minimize the exposure of those pollutants to storm water. BMPs include, but are not limited to:
 - Protecting pollutants from storm water runoff, run-on or snow melt by storing them indoors or placing them under cover
 - Placing materials within containment structures
 - Good housekeeping
 - Preventative maintenance
 - Spill prevention and response procedures
 - Sediment and erosion control, and
 - Storm water control practices that divert, infiltrate, reuse, contain or otherwise reduce storm water runoff;
- Provide a protocol for regularly inspecting areas where pollutants are stored, processed or otherwise handled and exposed to storm water;
- Provide a protocol for correcting problems revealed by those inspections;
- Provide BMPs to address sector-specific requirements contained in Part 8 of the NPDES permit. Your facility appears to be subject to the requirements of Subpart AA Sector AA1;
- Provide a certification that there are no prohibited non-storm water discharges from the facility; and
- Identify a Pollution Prevention Team whose responsibility it is to implement and evaluate the effectiveness of the SWP3.

Facilities are required to conduct an Annual Comprehensive Inspection and, based on those results, amend the SWP3 as necessary to address problems or changes in operations which may affect the quality of storm water runoff from the facility.

All facilities are subject to quarterly visual monitoring of storm water discharges and your facility is subject to benchmark monitoring. Please consult Part 4.2 of the NPDES permit for more information about quarterly visual monitoring and Part 6.2.1 for benchmark monitoring. Parameters which must be sampled for benchmark monitoring can be found in Part 8.AA.5 of the NPDES permit. Results of benchmark monitoring must be reported to Ohio EPA within 30 days of receiving results from the lab. Results are reported electronically using our online electronic discharge monitoring report (eDMR) system. For more information on eDMR and creating an account, please go to <http://epa.ohio.gov/dsw/edmr/eDRM.aspx>. Other records required by the NPDES must be kept on-site with the SWPPP and made available to Ohio EPA or the local municipal separate storm sewer system (MS4) operator upon request.

If you feel that all industrial materials and activities are protected by a storm resistant shelter, your facility may be eligible for an NOE (No Exposure) Certification. Submission of a No Exposure Certification constitutes notice that the facility does not require permit authorization for its storm water discharges associated with industrial activity in the

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State of Ohio under Ohio EPA's Industrial Storm Water General Permit due to the existence of a condition of no exposure. More information on NOEs, including the NOE form and a NOE fact sheet, can be found at <http://epa.ohio.gov/dsw/storm/index.aspx> under the Forms and General Permits tab.

You are directed to submit an NOI (or a NOE if applicable) to our Central Office **no later than December 31, 2012**. You are directed to submit a letter of response indicating any corrective changes to be received no later than August 20, 2013. If you have any questions, e-mail me at Josh.Bewley@epa.ohio.gov or contact me at (330) 963-1128. For questions regarding the General Permit for Industrial Activities and No Exposure Certifications, please 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

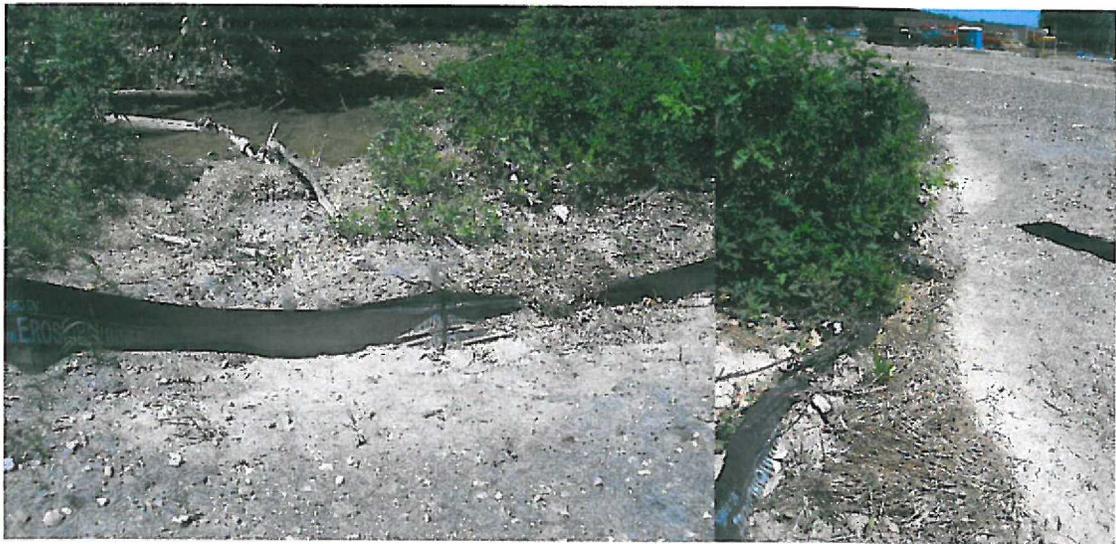
JB:bo

pc: Rob Knopf, City Engineer, City of Avon
Tracy Workley, Storm Water Inspector, City of Avon
James A Smith, Mayor, City of Avon

ec: Dean Stoll, Division of Surface Water (Dean.Stoll@epa.ohio.gov)
Dan Bogoevski, Division of Surface Water (Dan.Bogoevski@epa.ohio.gov)



Figures 1,2&3: Areas in need of stabilization before permit coverage can be terminated.



Figures 4&5: Silt fence in need of repair.