



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

Re: **Notice of Violation**  
Lucas County  
Lucas County & Others  
Storm Water MS4  
Facility ID Number 2GQ000006

September 4, 2013

Mr. Brian Miller, P.E., Drainage Engineer  
Office of the Lucas County Engineer  
One Government Center, Suite 870  
Toledo, Ohio 43604

Dear Mr. Miller:

On August 22, 2013, I visited the Evergreen Road Bridge, Ottawa Hills, to investigate a complaint about a lack of sediment controls and sediment laden runoff entering the Ottawa River (photos taken). Brown turbid water was reported downstream at the University of Toledo's campus. The project was let and inspected by the Office of the Lucas County Engineer and constitutes a municipal operation as described in the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (Small MS4 Permit).

It appears from photos taken during construction that dirt was used to create equipment access points and working pads instead of non-erodible material. Does the County have construction specifications and contract language that requires non-erodible material be used for such in-stream work? If so, do County inspectors assess projects for compliance with the requirements?

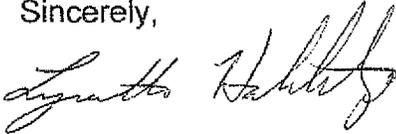
At the time of my visit, the bridge had been completed and the equipment removed from the site. The upland area southwest of the bridge had a cover of straw mulch. While I did not observe a discharge of runoff at the time, there were no sediment controls, the south riverbank was not stabilized, and there was a lot of mud between the south bridge supports and the bank.

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This letter will serve to notify Lucas County that it appears that municipal operations have created a storm water pollutant source. *Failure to implement procedures for the municipal operations such as sediment and erosion controls is a violation of Part III.B.6.d.iii. of the Small MS4 Permit.* At a minimum, I recommend stabilizing the bank with appropriately sized clean stone as soon as possible.

Within seven days of the date on this letter, please submit written notification of what corrective measures you have taken to prevent future violations. For proposed actions, your response must include the completion dates. If you have any questions, please contact me at (419) 373-3009.

Sincerely,



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

/jlm

ec: Bryan Zienta, P.E., Bridge Engineer, Office of the Lucas County Engineer  
Joel Palermo, P.E., Construction Engineer, Office of the Lucas County Engineer  
Jason Fyffe, DSW-CO  
Tracking