



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

Re: **Notice of Violation**
Hancock County
Findlay Warehouse
Construction Storm Water
Facility ID No. 2 GC03540

September 18, 2013

Mr. Ken Musch
Mosser Construction Inc.
1613 Henthorne Drive
Maumee, Ohio 43537

Mr. Charles L. Bills, President
Ohio Logistics Ltd.
1800 Industrial Drive
P.O. Box 952
Findlay, Ohio 45839-0952

Dear Messrs. Musch and Bills:

On September 4, 2013, I inspected Findlay Warehouse at 12560 Distribution Drive, Allen Township (photos taken). The purpose of my 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. No one 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, to become co-permittees with the initial permittee of a construction site. Please note that Part II.A of the Construction General Permit (or CGP) **requires all operators at a construction site to become co-permittees. It appears that Ohio Logistics, as the property owner and developer, has control over construction plans and specifications, including the ability to modify those plans. This letter serves to notify Ohio Logistics of these permitting obligations. Please submit a Co-Permittee NOI to this office or an explanation of why Ohio Logistics 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, I have the following comments:

1. At the time of inspection, the site was not active and it appeared that some initial mobilization had occurred. According my September 13, 2013, phone conversation with Ken Musch, Mosser Construction, the project was on hold at that time. The property contains an existing warehouse and a detention pond in the southwest corner of the site. As construction personnel were not onsite, the SWP3 and inspection logs were not available for review.
2. Silt fence had been recently installed around the east, north, and west perimeter of the property. There appears to be a drainage swale that leads to the detention pond on the south side. The silt fence stopped in the middle of the swale. This installation may not be in compliance with the permit, since the silt fence did not extend upslope and the practice may not be used in locations of concentrated flow.

Due to drainage area size, topography, and the presence of concentrated flows, the primary sediment control required for this project is one or more sediment settling ponds. It did not appear that one had been installed. The existing detention pond may be modified to meet this requirement but did not appear to meet the design criteria for a sediment settling pond at the time. Specifically, I did not observe a dewatering outlet that withdraws water from the surface. Also, with the drainage from the west swale entering the pond near the outlet structure, it does not seem that the 2:1 length to width ratio between inlets and the outlet had been met. *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 with an outlet structure that withdraws from the surface; 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 hour 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. *Please see Part III.G.2.d.ii. of the permit.*

Sediment settling ponds must be installed within seven days of grubbing and prior to grading the site. A floating weir (e.g. Faircloth or Delaware skimmers) must be used as the outlet device for the dewatering volume. If using the existing detention basin, a baffle will need to be installed between the outlet and the western swale entering the pond to achieve the required 2:1 length to width ratio. This ratio should be maintained in the pond's post construction configuration. Diversion berms or trenches may be required to convey runoff to the basin(s).

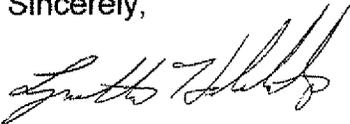
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Please be aware that the design criteria often differs between sediment settling ponds, which are required during construction, and post construction storm water management ponds, which may be used to fulfill the Post Construction Storm Water Management requirements and are installed after the site has reached final stabilization. Ponds may not be converted from sediment settling ponds to post construction storm water management ponds until all upslope disturbance is completed and a 70% density a perennial vegetative cover has been established throughout the tributary drainage area.

3. As construction continues, please keep the timeframes for implementing stabilization measures in mind. The Construction General Permit has recently been reissued. Under the current permit, any disturbed area that will be idle for more than 14 days must have some method of soil stabilization (which provides immediate cover) applied within the first seven of those 14 days. If idle areas are within 50 feet of a waterway, stabilization measures must be applied within two days.

Within 10 days of the date on this letter, please submit to this office written notification as to the actions taken or proposed address Item 2. Your response should include the dates, either actual or proposed, for the completion of the actions. If there are any questions, please contact me at (419) 373-3009.

Sincerely,



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

/jlm

cc: Todd Jenkins, Peterman Associates
Gary Tuttle, District Technician/Drainage Coordinator, Hancock SWCD
Christopher Long, PE, PS, Hancock County Engineer
Tracking