



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

Re: **Notice of Violation**  
Hancock County  
Hilton Garden Inn  
Construction Storm Water  
Facility ID No. 2GC03508

September 25, 2013

Mr. John Whitson  
Whitson Properties  
P.O. Box 1104  
Findlay, Ohio 45839

Dear Mr. Whitson:

On September 4, 2013, I inspected Hilton Garden Inn located on the northwest corner of Northridge Road and Interstate Drive, Findlay (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 (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.** 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. Earth moving equipment and a construction trailer were present. Rough grading had occurred. Storm sewer catch basins had been installed on the south side of the site. A stone base had been laid in the areas of future parking lot with two stone access drives off Interstate Drive. A pond had been excavated. Runoff entered the pond via sheet flow, except for a small pipe on the southeast bank and a swale that drained into a storm sewer on the northeast end of the pond. The pond did not appear to have an outlet structure. Sidewalks had been poured on the north side of the project, parallel to West Melrose Avenue, and almost around the entire perimeter of the pond. A soil stockpile was on the south side of Interstate Drive. As construction personnel were not onsite, the Storm Water Pollution Prevention Plan (SWP3) and inspection logs were not available for review.

2. Inlet protection was in place on the north side of Interstate Drive. The product used appeared acceptable. Considering that the majority of the site drains to the south and southwest, the drainage areas for the inlet protection may be too large. **Please submit a site map showing the location of all sediment and erosion controls, with their drainage areas delineated and the contributing drainage area provided in acres.** Silt fence or diversions may be required along the south side of the project if the drainage areas to the curb inlets are greater than an acre.

Mats had been attached with zip ties to the grates on the onsite catch basins just north of Interstate Drive. This product does not appear to be equivalent in design to inlet protection as specified in Ohio's *Rainwater and Land Development Manual*. Silt fence with stone placed downslope of the geotextile was installed in the swale bordering the north side of the site. The fabric was knocked down and the rock dams were not saddle shaped to convey runoff over the centerline. Silt fence appeared to be installed as a check dam in the swale leading towards the northeast side of the pond. The use of silt fence as an erosion control is the wrong application of this practice. Since the bottom of the outer ends of the fence is lower than the top of the centerline of the fence, ponded water will be channeled around the fence, causing erosion. All erosion and sediment control practices used to meet the conditions of this permit shall meet the standards and specifications of the current edition of Ohio's *Rainwater and Land Development Manual* (ODNR) or other standards acceptable to Ohio EPA. *These are violations of Part III.G.2. of the permit.* It will be necessary to replace the mat product if the storm sewer inlets do not drain to a sediment settling pond that meets the permit's design criteria. Silt fence must be replaced by stone check dams that are properly spaced and shaped.

3. Sediment controls were not in place to intercept runoff from disturbed ground on the west side of the site, before it reached the tributary to the Blanchard River, or from the soil stockpile on the south side of Interstate Drive. *This is a violation of Parts II and III.G.2. of the permit.* Sediment controls must be in place to address all runoff from the site.
4. Silt fence was placed in a drainageway on the south side of the site, just west of the stone access drives. The drainage area of this control exceeded maximum values listed in the permit. There were no diversion berms or trenches to direct runoff to a sediment settling pond before it drained westward to a tributary to the Blanchard River. *This is a violation of Parts II and III.G.2.d.iii. of the permit.*

The pond on the northeastern portion of the site did not appear to meet the design criteria for a sediment settling pond at the time of the inspection. Specifically, I did not observe a dewatering outlet that withdraws water from the surface. *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 Parts II and III.G.2.d.ii. of the permit.*

**Due to drainage area size and topography, the primary sediment control required for this project is one or more sediment settling ponds. Sediment settling ponds must be installed within seven days of grubbing and prior to grading the site.** I recommend creating diversion berms or trenches to convey runoff to the sediment settling ponds. A floating weir (e.g. Faircloth or Delaware skimmers) must be used as the outlet device for the dewatering volume on settling basins.

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.

5. I observed stone access drives off of Interstate Drive. However, west of the stone drives, it appeared that equipment had been transporting soil south across Interstate Drive to create a stockpile. The access points on both the north and south sides of Interstate Drive were not stabilized and sediment had been tracked into the street. The permit requires that a stable (non-erodible) construction entrance be installed where vehicles access sites and that measures be implemented to minimize vehicle tracking and dust generation. *This is a violation of Parts II and III.G.2.g.ii. of the permit.*
6. Most of the site appeared freshly graded. Other than the stone base for parking lots and access drives and the riprap along the ponds upper banks, stabilization had not been applied to the soil. *Please see Parts II and III.G.2.b.i. of the permit.* As construction continues, please keep the timeframes for implementing stabilization measures in mind. 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 to address Items 2, 3, 4, and 5. 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: Randy Greeno, City of Findlay  
Tracking