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

Re: **Notice of Violation**
Hancock County
Glen Mar Subdivision
Construction Storm Water
Facility ID No. 2 GC03570

October 4, 2013

Mr. Philip Stover
Pass II, LLC
2339 East Sand Road
Port Clinton, Ohio 43452

Mr. W. Anthony Scanlon
Glenmar Development LLC
316 West Sandusky Street
Findlay, Ohio 45840

Dear Messrs. Stover and Scanlon:

On September 4, 2013, I inspected Glen Mar Subdivision located west of County Road 140 and south of Glenmar Parkway, Liberty 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. As construction personnel were not onsite, the Stormwater Pollution Prevention Plan (SWP3) and inspection logs were not available for review.

While Pass II LLC has permit coverage for this development, the Hancock County Auditor's webpage indicates that Glenmar Development is owner of most of the undeveloped portions of the site. Please note that if Glenmar Development is an operator as defined in Part VII. O. of the permit, they must obtain permit coverage.

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

1. At the time of inspection, several streets (Glenmar Parkway, Smokies Way, Marys Glen Court, and Livery Circle) and utilities had been installed. At least 21 homes had been completed with stabilized yards. A few lots had homes under construction:

   - Lot 43 (southeast corner of Smokies Way and Livery Circle) - Equipment was backfilling a foundation.
   - Lot 42 - The exterior of the house appeared complete. The driveway was poured, but the soil was bare.
   - 9810 Smokies Way – The house was roofed and its exterior wrapped. No sediment controls were in place between the disturbed yard and the stream in the rear of the lot. The area of bare soil extended almost into the stream itself. A stone construction entrance was in place.

- Lot 18 (northwest corner of Glenmar Parkway and Marys Glen Court) - The house was roofed and its exterior wrapped. A stone construction entrance was in place. There was a sediment stockpile with no sediment controls around it and it had not been stabilized. A geotextile had been placed under storm sewer grate in street.
- Lot 13 (east of 9720 Glenmar Parkway) – The house was being framed. A stone construction entrance was present. There was no inlet protection in the street and sediment tracking was evident.

2. Geotextile placed underneath or wrapped around a catch basin grate is not an acceptable form of inlet protection. *Permit Requires:* All erosion and sediment control practices used to meet the conditions of this permit should 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. *Please see Part III.G.2. of the permit.* Unless a sediment settling pond meeting the conditions of the permit is in place, proper inlet protection must be installed down gradient of those lots that have been disturbed and have not achieved final stabilization (i.e. all earthwork is complete and a 70% density of perennial vegetative cover has been established).

3. A retention pond had been constructed on the west side of the site. This structure 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. Without reviewing the SWP3, I am unable to determine if the pond meets the requirements of the permit. *Permit Requires:* 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); 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.* It will be necessary to modify the pond if it does not already meet all of these requirements.

   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. **Please submit detail plans of the pond and its current and its final outlet structures, along with relevant calculations, stage-storage tables and drawdown curves to demonstrate compliance with both the sediment settling pond and post construction storm water management requirements of the permit.** This information may accompany your written response to this letter or be sent to my e-mail address: lynette.hablitzel@epa.ohio.gov.

4. *The lack of a structural sediment control to protect the stream behind 9810 Smokies Way is a violation of Part III.G.2.d.v. of the permit.* Unless a 70% density of perennial vegetation has been established throughout the area draining to the stream, I recommend installing silt fence immediately.

5. Temporary stabilization had not been applied to all areas that appeared to be idle. Of particular importance is the area within 50 feet of the stream on the west side of the project. *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. In addition, disturbed areas in residential subdivisions must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s). 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. *Please see Part III.G.2.b.i. of the permit.* As construction continues, please keep the timeframes for implementing stabilization measures in mind. Temporary stabilization is often required when soil stockpiles have been created from foundation excavations. It may also be required after foundations have been backfilled and before building materials have been delivered.

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 through 5. Your response should include the dates, either actual or proposed, for the completion of the actions. Please submit photos documenting any completed actions. If there are any questions, please contact me at (419) 373-3009 or the e-mail provided above.

Sincerely,

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

/jlm

ec: Gary Tuttle, District Technician/Drainage Coordinator, Hancock SWCD
Christopher Long, P.E., P.S., Hancock County Engineer
Tracking