



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

October 14, 2010

**Re:** Muskingum County  
Wellington Place  
Storm Water Construction Activity  
Notice of Violation  
OCG00667\*AG

Mr. Eriech J. Horvath  
Stoneworks LLC  
2052 Cherry Valley Road  
Newark, Ohio 43055

Dear Mr. Horvath:

On September 20, 2010, I performed a follow-up inspection of your site on Northpointe Drive in Zanesville. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

**Permit Coverage**

1. Part III.G.2.b.i (Table 1) of the permit requires that permanent stabilization be applied to areas at final grade within 7 days of the last disturbance. Permanent stabilization is defined as the establishment of permanent vegetative cover, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control.

**Stabilization is needed throughout nearly all of the development. Lack of stabilization combined with many rain events has created highly erosive conditions on the development. These conditions have allowed deep rills and gullies (some in excess of 3-4 feet deep) to form throughout the disturbed areas of the project. Re-grading of much of the area on the rear end of the development will be necessary along with proper preparation of the soil and an application of seed and straw. Refer to the Rainwater and Land Development Manual and the NPDES Permit for detailed instructions on temporary and permanent stabilization.**

2. Part III.G.2.b.i. (Table 2) of the permit requires that any area that will lie dormant for more than 21 days, but less than a year be stabilized within 7 days of the most recent disturbance.

**On the time of my inspection, it appeared that many disturbed areas on the site had been dormant for more than 21 days. Please stabilize these areas immediately.**

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the State and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

Table 2: Temporary Stabilization

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the State and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State	Within seven days of the most recent disturbance within the area  For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

3. Part III.G.2.h of the permit states that all sediment control practices must be maintained and repaired until the entire up slope area of the development has been stabilized. According to Part III.G.2.i. of the permit, controls must be inspected once every seven calendar days and within 24 hours after any storm event greater than one half an inch in 24 hours. Repairs must be accomplished within three days of the inspection, except in the case of sediment ponds, which must be repaired within 10 days. In accordance with Part III.G.2.d.vi., if inspections or other information indicates that a control is not functioning or ineffectual, then the permittee must replace or modify the control.

**Silt fencing throughout the site has been compromised by erosive flow conditions. Silt fencing must always be functional and effective until the disturbed ground it is treating is fully stabilized with vegetative growth, riprap, geo matting, etc. In addition, silt fencing is designated as a storm**

**water control only in areas of sheet flow. There are several areas of your site with channelized flow that have overtaken the silt fencing. Our recommendation is to install rock check dams and/or erosion control geo matting in areas of channelized flow.**

Sediment and erosion controls for your site must meet the guidelines and design criteria set forth in the above mentioned *Rainwater and Land Development* manual. A copy of this manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation, at (614) 265-6610.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact me at (740) 380-5430 or Aaron Wolfe at (740) 380-5277.

Sincerely,



L.J. Parkins  
Storm Water Section  
Division of Surface Water

LJP/dh

Enclosure: Original Notice of Violation dated 8/20/10 (returned to sender)