



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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www.epa.state.oh.us

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

September 19, 2008

Re: Muskingum County
Kensington Village
Storm Water Construction Activity
Notice of Violation
OGC00960*AG

Mr. Larry Parr
Mid Ohio Development Corp
P.O. Box 32449
Columbus, Ohio 43232

Dear Mr. Parr:

On July 14, 2008, I visited your site on Northpointe Drive. 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 stormwater 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 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. **Stabilize all areas that meet this requirement.**
2. Part III.G.2.b.ii. of the permit states that operators shall stabilize channels and outfalls to prevent erosive flows. Techniques may include seeding, mulching, erosion control matting, sodding, rip rap, or rock check dams. **The erosion due to channelized flow on the property is extensive. Stabilize all channels and outfalls to comply with this condition of the permit.**
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. **The silt fence around the project is to its maximum capacity and must be repaired or replaced. In many areas the silt fence is down and sediment is entering an active stream.**

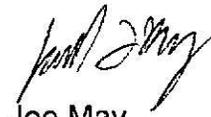
4. Part III.G.2.g.iv of the permit states that there will be no discharge of turbid waters resulting from de-watering activities to waters of the state. Sediment laden water must be treated by passage through sediment control devices before it may be discharged from the construction site. **The silt pond near the entrance is discharging into a stream.**

The stream is showing signs of impact. All of the sediment controls must be repaired and/or replaced immediately. Temporary seeding must be completed to slow erosion.

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. Failure to comply with the terms and conditions of the NPDES permit may result in formal enforcement action and significant monetary penalties. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact Aaron Wolfe at (740) 380-5277 or me at (740) 380-5430.

Sincerely,



Joe May
Storm Water Section
Division of Surface Water

JM/dh