



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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

May 15, 2009

**Re: Perry County
Snug Harbor
Stormwater Construction Activity
Notice of Violation
0GC00384*AG; 0GC01155*AG;
0GC01128*AG; 0GC00161*AG**

Mr. Marty Finta
Triglyph Development Co., Ltd.
309 S. Fourth Street, 5th Floor
Columbus, Ohio 43215

Dear Mr. Finta:

On April 27, 2009, I visited your site on Custers Point Road. I referenced all of your permitted areas above since I am unaware of the boundaries of each. This inspection may cover all or part of the above permits. The purpose of the inspection was to determine the compliance of these sites with the National Pollutant Discharge Elimination System (NPDES) permit for the discharge 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. Violators of ORC 6111 may be fined up to \$10,000 per day of violation. In addition, federal law allows for third party lawsuits for failure to comply with NPDES permits.

The following violations must be addressed.

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 barren soil stockpiles and other barren areas that are outside of this timeframe immediately.

2. Part III. A. of the permit states that an operator seeking coverage under the NPDES permit for their construction site must develop a stormwater pollution prevention plan (SWP3).

Submit an updated storm water pollution prevention plan (SWP3), that covers each of the permitted areas listed above, to the Southeast District Office for review.

3. 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.

Erosion is occurring throughout the areas that are not stabilized. Stabilize all dormant areas immediately per permit requirements.

4. 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.

Assess all stormwater controls and make repairs as needed. Submit a copy of all inspection reports made during the past six months to the Southeast District Office for review.

5. In accordance with Part III.G.2.d.i. and Part III.G.2.h. of the permit, all sediment control structures shall be functional throughout the course of earth disturbing activities. Sediment controls should be in place prior to the onset of construction activities and must remain in place until the entire up slope area is stabilized.

During the inspection, I noted that the land barrier separating Snug Harbor from Buckeye Lake was removed. Since the harbor now joins Buckeye Lake the Ohio EPA now views the harbor as a part of Buckeye Lake and considers the harbor to be waters of the state. Any runoff from disturbed areas must travel through a storm water control (ex. silt fence, sediment trap etc.) before entering the harbor.

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) 380-5277.

Sincerely,



Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh