



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

April 27, 2009

**Re: Ross County
Tatman and Sons Mulch Co.
Notice of Violation
Construction
Permit #0GC01237*AG
Certified Mail 70073020000178820674**

Mr. Delbert Tatman
9171 State Route 180
Kingston, Ohio 45644

Dear Mr. Tatman:

On October 16, 2008, I met with you onsite to discuss permitting requirements. The purpose of my 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. During the inspection, I assisted you in filling out an application to obtain coverage under the Ohio General Construction Stormwater permit. During the inspection, we also talked about stabilizing the area and installing silt fence in a few limited areas. Soon after the inspection, it appeared that you sowed seed but did not apply any type of hay or straw on top of the seed. Silt fence has also not been installed as requested. The site currently does not meet permit conditions and I continue to receive complaints concerning the lack of stormwater controls on your site. Stormwater controls must be implemented immediately as discussed during the inspection. Your site does not meet the following permit requirements:

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.
2. 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.

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 obtain and comply with NPDES permits. Ohio EPA will consider initiating formal enforcement against you if the above issues are not corrected within 30 days from the time you receive this letter.

Submit a written response to this office within 7 days from the time you receive this letter. The response must outline the plan of action you will be taking to abate the violations mentioned above.

If you have any questions, please feel free to contact me at (740) 380-5277.

Sincerely,

A handwritten signature in black ink, appearing to read 'A Wolfe', with a long horizontal flourish extending to the right.

Aaron Wolfe
Stormwater Coordinator
Division of Surface Water

AW/dh

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> <i>Delbert Tatman</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <p style="text-align: center;">Delbert Tatman 9171 S. R. 180 Kingston, OH 45644</p>	B. Received by (Printed Name) <i>Delbert Tatman</i> C. Date of Delivery <i>5-6-09</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7007 3020 0001 7882 0674	
Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$ <i>4.2</i>	
Certified Fee: \$ 2.70	
Return Receipt Fee: 2.20	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$ <i>5.32</i>	
Sent To <i>Delbert Tatman</i> Street, Apt. No., or PO Box No. <i>9171 S. R. 180</i> City, State, ZIP+4 <i>Kingston, OH 45644</i>	
PS Form 3800, August 2006 See Reverse for Instructions	