



State of Ohio Environmental Protection Agency

Southeast District Office

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

August 16, 2007

Re: Tuscarawas County
Copperhead Coal D-0876
Stormwater Construction Activity
Notice of Violation
OGC00640*AG

Mr. John Husted
ODNR DMRM
2045 Morse Road
Building H-3
Columbus, Ohio 43229

Dear Mr. Husted:

On July 16, 2007, Nathan Weber visited your site on Co. Rd. 73 in Sugarcreek Township. On August 3, 2007, I visited the site along with ODNR representatives Scott Mcdiffit, John Sprouse, Roger Heskett, and Ron Kolbash to discuss the findings of the July 16, 2007 inspection. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for the discharge 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. My findings are below:

- 1. Pond #2 appeared to be undersized and must be cleaned out. Submit a calculation of pond sizing based on the contributing drainage area.**

Part III.G.2.d.ii of the permit requires concentrated runoff and runoff from drainage areas, which exceed the design capacity of silt fence or inlet protection, to be conveyed to a sediment settling pond. Sediment ponds must be capable of holding 67 cubic yards of storage per on site and off site drainage acre. Sediment must be removed from the sediment pond when the design capacity has been reduced by 40 percent.

- 2. Some portions of the site did not meet the following requirements of the permit. Assess the entire site and stabilize as necessary.**

Part III.G.2.b.i. 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.

Part III.G.2.b.i. of the permit requires that permanent stabilization be applied within 7 days to any area that will lie dormant for more than one year. 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.

3. **Mr. Sprouse stated that the ponds were scheduled to be removed before grass coverage would be established.**

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.

4. **The drainage area around Reclaimed pond #3 did not possess any stormwater controls. It was agreed that silt fence should be installed in this area to meet permit requirements.**

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.

5. **Please submit inspection logs from June, July, and August for review and verification.**

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.

6. **Please submit your Stormwater Pollution Prevention Plan for review.**

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/mlm

- c: Scott Mcdiffit, Cambridge Office ODNR
- c: John Sprouse, Cambridge Office ODNR
- c: Roger Heskett, Cambridge Office ODNR
- c: Ron Kolbash, CO ODNR
- c: Harry Kallipolitis, OEPA, DSW, CDO
- c: Mark Mann, DSW, CO
- c: John Morrison, DSW, CO