Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 11, 2011

Re: Vinton County
Vinton County Airport
Storm Water Construction Activity
Notice of Violation
0GC01244*AG

Mr. Terry Stevens
Vinton County Commissioners
100 E. Main Street
McArthur, Ohio 45651

Dear Mr. Stevens:

On June 30, 2011, I visited your site on Airport Road and met with Tim Webbers, Ken Reed, and several other individuals. 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. 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 terms and conditions of NPDES permits. The following areas need to be addressed:

Permit Coverage:

1. Stabilization

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.

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Several areas throughout the site remained barren. Using the stabiliztion chart as a reference, assess entire site, apply seed and straw to all barren areas including soil stock piles.

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.

   A large amount of sediment is within the drainage basin at the site and has begun to fill in the culvert that leads to the neighboring creek with sediment. Bring this channel into compliance with the permit by removing the sediment from the basin, stabilizing the basin, and adding rip-rap to prevent further erosive flows.

Part III.G.2.d.ii of the permit requires the following:

Sediment settling ponds: A sediment settling pond is required for any one of the following conditions:

- concentrated storm water runoff (e.g., storm sewer or ditch);
- runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
- runoff from drainage areas that exceed the design capacity of inlet protection; or
- runoff from common drainage locations with 10 or more acres of disturbed land.

The permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond.

- The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft3) per acre of drainage (67 yd3/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: The volume of the sediment storage zone shall be 1000 ft3 per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative

sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

Since meeting with the county commissioners it has come to my attention that due to the acreage listed on the permit this site may require permanent storm water control structures such as a sediment settling pond. Please send a copy of an updated SWP3 for the site with the response to this letter 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) 385-8501 or Aaron Wolfe at (740) 380-5277.

Sincerely,

Chris Stephan
Storm Water Section
Division of Surface Water

CCS/dh

c: Ken Reed, Vinton County Commissioners Development Dept.