



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 Korteski, Director

August 10, 2010

**Re: Washington County  
Cherokee Estates  
Storm Water Construction Activity  
Notice of Violation  
Permit Number OGC01176\*AG**

Mr. Anthony L. Baumgard  
Raunch Automotive Group LLC  
1826 Garfield Avenue  
Parkersburg, WV 26101

Dear Mr. Baumgard:

On July 7, 2010, I visited your site on Bender Rd. in Marietta. 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:

- 1. Part III.G.2.b: Stabilization Requirements:

**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.  
*Ohio EPA is an Equal Opportunity Employer*

**Parts of the site require temporary or permanent stabilization. Apply seed and straw to all barren areas and soil stock piles meeting the criteria outlined above.**

2. Silt Fence 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.* All sediment control practices must be capable of ponding runoff in order to be considered functional.

Part III.G.2.d.iii of the permit requires silt fence to be installed on a level contour. Silt fence should be utilized in accordance with the specification of the *Rainwater and Land Development* manual.

**Place silt fencing at the toe of all down gradient areas where sheet flow occurs until areas are stabilized with vegetation. Install these controls immediately.**

3. Channel Stabilization Requirements:

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.

Part III.G.2.b.i. (Table 1) of the permit requires that any areas within 50 feet of surface waters of the state and at final grade be permanently stabilized within two days of reaching final grade. 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.*

Part III.G.2.b.i. (Table 2) of the permit requires that any area within 50 feet of a stream that will remain dormant for more than 21 days be stabilized within two days of the most recent disturbance.

**Stabilize all channels on site including the slopes around the culvert passing under the main access road.**

4. Co-Permittee Requirements:

Part I.D. of the permit states that if an operator obtains a permit for a development, and then the operator (permittee) sells off lots or parcels within that development, permit coverage must be continued on those lots until a Notice of Termination (NOT) in accordance with Part IV.B is submitted. For developments which require the use of centralized sediment and erosion controls for which the conveyance of permit coverage will jeopardize compliance with the terms and conditions of this permit, the permittee will be required to maintain responsibility for the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to temporarily stabilize all lots sold to individual lot owners. *In cases where permit coverage for individual lot(s) will be conveyed, the permittee shall inform, in writing, the individual lot owner of the obligations*

under this permit and ensure that the Individual Lot NOI application is submitted to Ohio EPA.

According to Part II. A. of the permit, the buyer (operator) of a lot in a subdivided development covered by this NPDES permit must submit an individual lot NOI seven days prior to the date that the operator intends to accept responsibility for the lot. The original permittee may submit an individual lot Notice of Termination at the same time; however, transfer of coverage is not granted until a letter of approval from the Ohio EPA is received by the applicant. Once approval is received the operator assumes responsibility for the conditions of this permit and the original SWP3. It is the permittee's responsibility to inform the individual lot owner of the obligations of the permit.

According to Part V. L. of the permit, Ohio EPA must be notified in writing sixty days prior to the transfer of coverage under the NPDES general permit. It is the transferee's responsibility to inform the Ohio EPA that coverage is being transferred.

**Since the site referenced in this letter is a sub-division you are required to transfer the permit coverage to the new owner for each lot sold. This process is outlined above.**

5. Post-Construction Controls:

In accordance with Part III.G.2.e. of the permit, all sites over five acres must have post-construction BMPs capable of detaining runoff for the protection of stream channels, stream erosion control, and improved water quality. The BMP(s) chosen must be sized to treat the water quality volume and ensure compliance with Ohio's Water Quality Standards in OAC Chapter 3745-1. Such BMPs may include a water quality basin.

**As a reminder, since your site is over 5 acres, you will be required to implement post-construction controls.**

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) 380-5418 or Aaron Wolfe at (740) 380-5277.

Sincerely,



Chris Stephan  
Storm Water Section  
Division of Surface Water

CCS/mlm