SR 62/Morse Road Round-a-bout
Rocky Fork Creek Watershed
Franklin County
11/28/2006
Photo by: Harry Kallipolitis
Note: Water generated from break in 20 in waterline

SR 62/Morse Road Round-a-bout
Rocky Fork Creek Watershed
Franklin County
11/28/2006
Photo by: Harry Kallipolitis
Note: Discharge from 20in waterline into Rocky Fork
Creek

OhioEPA
State of Ohio Environmental Protection Agency

FILE COPY

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MAILING ADDRESS
P.O. Box 1049
Columbus, Ohio 43216-1049

December 11, 2006

RE: Notice of Violation

Brenda Abke
The Scotts Company, LLC
11411 Scotts Lawn Road
Marysville, OH 43041

Dear Ms. Abke:

This letter is written regarding the storm water inspections conducted of the corrective measure activities associated with Landfill Two and Field Broadcast Area Two and the restoration activities associated with the South Branch of Crosses Run at The Scotts Company located on Scottslawn Road in Marysville, Ohio. My inspections were conducted on November 28, 29, 2006, in order to evaluate compliance with Ohio EPA's General Storm Water Permit Associated with Construction Activities. A follow up inspection was conducted by Mike Sapp and Chris Bulinski with Ohio EPA, on November 30, 2006. Based on the site observations, the approved Storm Water Pollution Prevention Plan (SWPPP), and the conditions set forth in Ohio EPA's General Storm Water Permit, the following items will require attention:

Sediment and Erosion Controls (November 28, 2006 inspection):

1. During the inspection, I noted the construction activities associated with the closure of Landfill Two and the remediation of the South Branch of Crosses Run were void of sediment controls (see figures 1 & 2). Please note this is a direct violation of your General Storm Water Permit. Corrective measures must be implemented to ensure compliance with the General Permit and minimize off site sedimentation into Crosses Run. The following sediment controls will be required:

    - Perimeter controls will be expected in association with the capping activities of Landfill Two. Silt fence must be installed between the Landfill and the South Branch of Crosses Run

    - Silt fence will be required along all areas of the South Branch of Crosses Run which are not sufficiently protected with a crimped mulch cover within 48 hours from the date of this inspection.

    - A crimped mulch cover, at a rate of three tons per acre, will be expected to stabilize the site in preparation for the upcoming winter months. Please note alternatives such as mulch with netting and/or mulch with a biodegradable tackfier will be acceptable as an alternative.

Brenda Abke

Stream Remediation (November 28, 2006 Inspection):

- Corrective measures must be implemented to ensure all in stream activities associated with the restoration of South Branch of Crosses Run are conducted "in the dry". Best management practices will be expected to route the streams flow around the active areas of construction. Immediate stabilization must follow upon the completion of each segment. During the site inspections, I noted the in stream activities were resulting in turbid discharges into the South Branch of Crosses Run (see figures 3 & 4).

November 29, 2006 Inspection:

- I noted the mulching efforts were ongoing as requested during my inspection on November 28, 2006.

- No in stream activities were noted in the South Branch of Crosses Run.

- The containment pond associated with Field Broadcast Area Two was critically full (see figure 5). I advised you to pump down this impoundment in preparation for the upcoming rain forecasted for November 30, 2006.

- The diversion must be re-established to direct storm water from the south end (adjacent to the entrance) of Field Broadcast Area two to the containment pond.

November 30, 2006 Inspection:

- The majority of the disturbed areas associated with Landfill Two and the stream restoration areas of the South Branch of Crosses Run had been covered with mulch. Please ensure appropriate measures are implemented to secure the mulch in place. These measures would include crimping, covering the mulch with netting, or the application of a biodegradable tackifier. At any time the mulch cover is not sufficient to control erosion, re-application will be expected.

- The eastern stream banks associated with eastern end of the South Branch of Crosses Run are not sufficient to control erosion (see attached photo). Measures must be taken to temporally smooth out these stream banks in order to apply an effective erosion control.

- Silt fence was installed along the southern edge of Landfill Two as requested in my November 28, 2006 inspection.

- Jason Guenther from Earth Tech was advised to pump down the containment pond on the south side of Field Broadcast Area Two in anticipation of a forecasted rain event. Mr. Guenther indicated that pumping would be initiated that afternoon and the height of the berm on the south side of the pound would be increased if additional freeboard was required.

- Winter stabilization must be conducted in association with Field Broadcast Area Two within seven days from receipt of this letter.

If you have any questions regarding this letter or the inspection, please do not hesitate to call me at our Central District Office at (614) 728-3844. In addition, please provide a written response to the action items addressed above within ten days from receipt of this letter. A follow up inspection will be conducted to ensure that the minimum conditions of the General Permit have been met.

Sincerely,

Harry Kallipolitis
Storm Water Coordinator
Division of Surface Water
Central District Office

Enclosure

c: Jeff Bohne, DSW/CDO
Mike Sapp
Chris Bulinkski
Peter Maneff
Craig Butler

HK/nsm Scotts Com LLC Nov. 28, 2006

The Scotts Company
Mill Creek Watershed
Union County
11/28/2006
Photo by: Harry Kallipolitis
Note: South branch Crosses Run downstream from
instream restoration activities

Figure 1: Area Void of Sediment or Erosion Controls

Figure 2: Area South of Landfill Two void of sediment and erosion controls

Figure 3: South Branch of Crosses Run upstream of in stream remediation activities

Figure 4: South Branch of Crosses Run downstream of in stream remediation activities. Note turbid discharges to stream

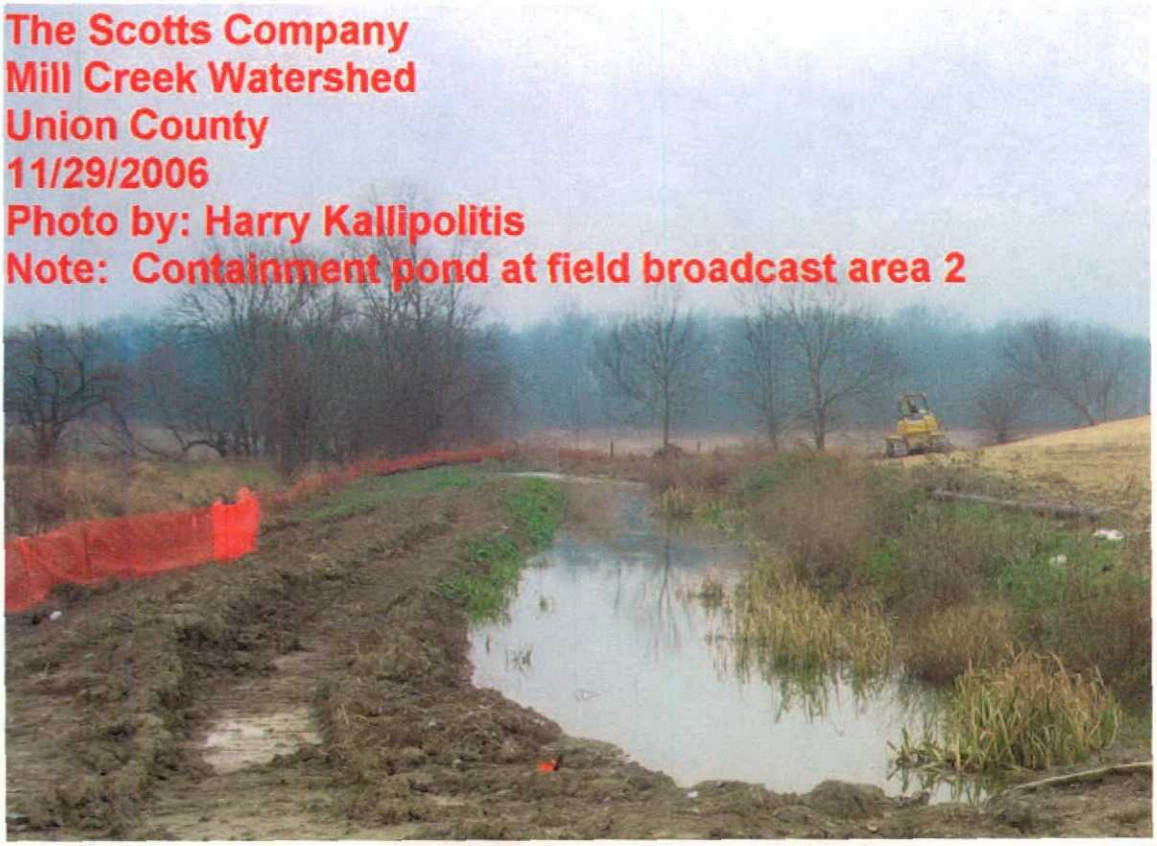

Figure 5: Containment Pond at Field broadcast area two critically full on 11-29-2006

Figure 6: Stream banks must be re-graded to support an effective temporary mulch cover