



Environmental  
Protection Agency

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

October 17, 2011

Christopher Phelps  
Maronda Homes  
3811 Twin Creeks Drive  
Columbus, OH 43204

**Re: Second Notice of Violation  
Deer Creek Run Subdivision / Madison County**

Dear Mr. Phelps:

This letter is written in regard to a construction storm water inspection that I conducted at the Deer Creek Run Subdivision, located in Mount Sterling, Ohio, on October 12, 2011. The purpose of the inspection was to evaluate compliance with the General Storm Water Permit Associated with Construction Activities. Please consider this another formal notice of violation. During the inspection, I noted the following:

**Sediment and Erosion Controls:**

- It does not appear that Maronda has obtained lot notice of intents for the lots that were purchased in this subdivision. This is used when a portion of a construction site is bought and sediment and erosion control responsibility is transferred to the owner of an individual lot(s). This application may be obtained at the following weblink: <http://www.epa.state.oh.us/dsw/storm/stormform.aspx>.
- There were two homes under construction during the inspection. One home site did not have any erosion controls and the second home site only had a few straw waddles along the front of the lot. Please install silt fence and/or straw waddles to prevent erosion from discharging off-site from these active sites. Sediment was discharging to a storm water drain. Please see attached pictures.
- Please be aware the General Permit states that all barren areas which remain idle in excess of 21 days must be protected from erosion within 7 days of the last earth disturbing activities. In addition, erosion protection must be implemented for all areas of final grade within 7 days.
- A concrete wash-out pit must be installed on-site to capture the concrete wash water. Concrete wash-out water was being dumped on to the ground and was able to discharge off-site. See attached pictures.

- If any lots are sold to another developer or home builder, the new developer may need to complete and submit a lot notice of intent application. This is used when a portion of a construction site is bought and sediment and erosion control responsibility is transferred to the owner of the individual lot. This application may be obtained at the following weblink: <http://www.epa.state.oh.us/dsw/storm/stormform.aspx>.
- Your general contractor will need to complete and submit a construction storm water co-permittee notice of intent application. This application may be obtained at the following weblink: <http://www.epa.state.oh.us/dsw/storm/stormform.aspx>. Your contractor is considered an operator per the construction permit. "Operator" means any party associated with a construction project that meets either of the following two criteria:
  1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
  2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions). As set forth in Part II.A, there can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.

If you have any questions regarding this letter or the inspection, please do not hesitate to contact me at our Central District Office at (614) 728-3851.

Sincerely,



Gregory L. Sanders  
Environmental Specialist  
Division of Surface Water  
Central District Office

Enclosure

c: Jeff Bohne, Water Quality Supervisor, DSW/CDO  
Rich Conie, Conie Construction

ec: Gregory L. Sanders, DSW/CDO



Deer Creek Run, Sec. 1 & 2  
Install erosion controls  
Sediment discharging to SW drain  
Deer Creek Watershed  
October 12, 2011  
Photo by: Greg Sanders



Deer Creek Run, Sec. 1 & 2  
Install erosion controls  
Install concrete wash-out pit  
Deer Creek Watershed  
October 12, 2011  
Photo by: Greg Sanders

