



Environmental  
Protection Agency

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

September 22, 2011

Steve Fulkert  
M.H. Murphy Development Group  
4393 Arbor Lake Drive  
Groveport, OH 43125

**Re: Notice of Violation  
Winchester Bend, Franklin County**

Dear Mr. Fulkert:

This letter is written regarding the storm water inspection that I conducted at Winchester Bend located near the intersection of Winchester Pike and Hamilton Road, in Columbus, Ohio. The inspection was conducted on September 14, 2011. I understand that these construction activities are currently covered under the General Storm Water Permit Associated with Construction Activities. Please consider this a formal notice of violation. Please be aware that there have been at least four site inspections from Ohio EPA staff in the past six months and each inspection noted lack of adequate erosion controls. Based on my site inspection and the General Storm Water Permit, the following items must be addressed.

**Sediment and Erosion Controls:**

- Perimeter silt fencing was installed, but there were several sections that needed to be maintained. There are at least two areas that need to have sediment traps. One area is in the northeastern part of the site and the other on the south central part of the site. Also, dandy bags or other erosion controls should be placed on storm water drains. Please see attached pictures.
- Please be aware that the general permit states that all sediment controls will be inspected and maintained every seven days or within 24 hours of a precipitation event equal to or greater than 0.5 inches. A log of inspection must be maintained on site for the agency to review. Please e-mail me the last four months of inspection logs to [greg.sanders@epa.ohio.gov](mailto:greg.sanders@epa.ohio.gov).
- Please be aware the General Permit mandates specific permanent and temporary stabilization requirements. All disturbed areas which remain idle in excess of 21 days must be protected from erosion within seven days of the last earth disturbing activities. All areas of final grade must be protected within seven days. All earth disturbing activities should be clearly logged in your inspection reports to ensure the 21 day / seven day requirement is not violated.
- The 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>. The general contractors are considered an operator per the construction permit. "Operator" means any party associated with a construction project that meets either of the following two criteria:

Central District Office  
50 West Town Street, Suite 700  
P.O. Box 1049  
Columbus, OH 43216-1049

614 | 728 3778  
614 | 728 3898 (fax)  
[www.epa.ohio.gov](http://www.epa.ohio.gov)

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.
- Please install and maintain an adequate concrete wash-out pit. There was a very small pit without silt fence or straw bales that was overflowing during my visit. There were at least three other concrete trucks at the site that needed a wash-out pit. One concrete truck was discharging the concrete wash-out waste to the ground which was upslope of the Big Walnut Creek. This is considered an illicit discharge and in violation of state and federal laws.

If you have any questions regarding this letter or my inspection, please do not hesitate to call me at our Central District Office at (614) 728-3851. A follow up inspection will be conducted to ensure the minimum conditions of the General Permit have been met.

Sincerely,



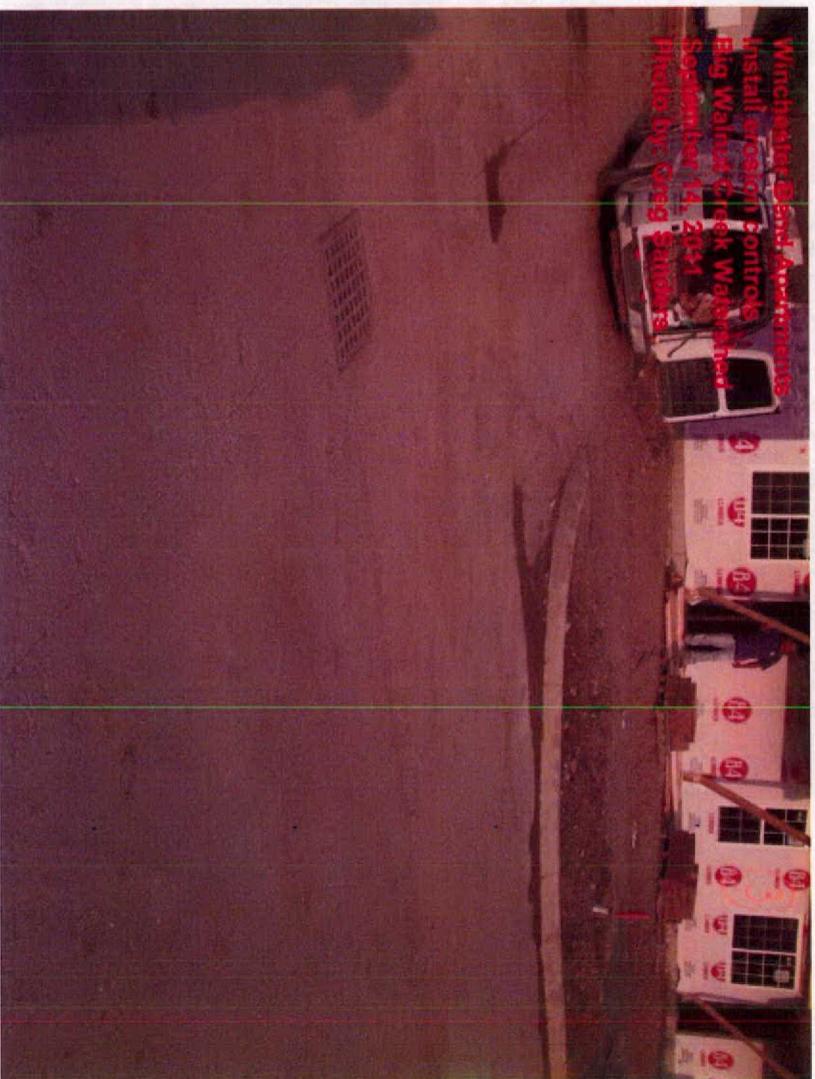
Gregory L. Sanders  
Environmental Specialist  
Division of Surface Water  
Central District Office

Enclosure

c: Jeff Bohne, CDO/DSW  
Ernst Concrete



Winchester Bend Apartments  
Install sediment trap  
Maintain erosion controls  
Stabilize barren areas  
Big Walnut Creek Watershed  
September 14, 2014  
Photo by: Greg Sanders



Winchester Bend Apartments  
Install erosion controls  
Big Walnut Creek Watershed  
September 14, 2014  
Photo by: Greg Sanders

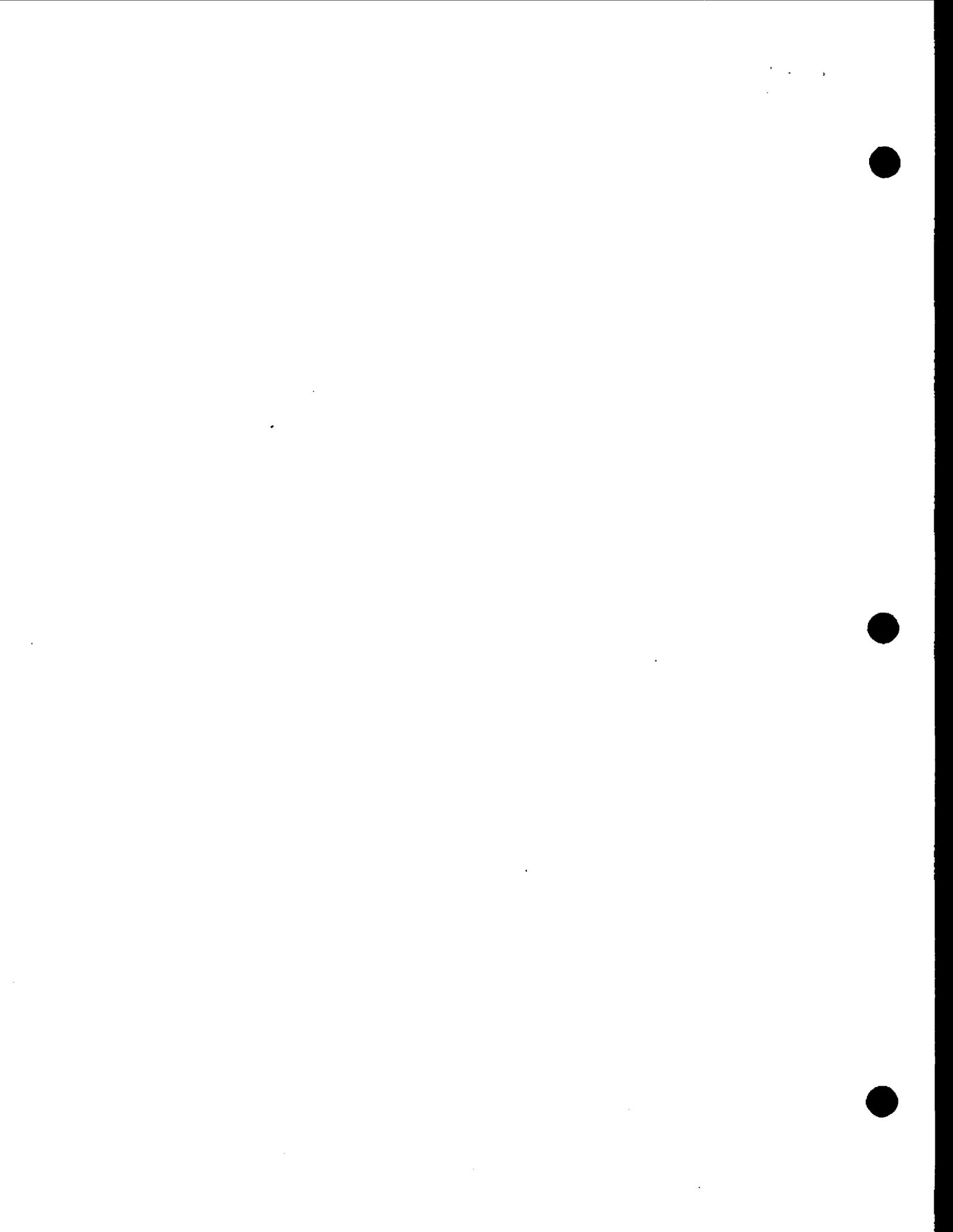


Winchester Bend Apartments  
Install and maintain erosion controls  
Stabilize barren areas  
Big Walnut Creek Watershed  
September 14, 2011  
Photo by: Greg Sanders



Winchester Bend Apartments  
Illicit discharge  
Install adequate concrete wash-out pit  
Big Walnut Creek Watershed  
September 14, 2011  
Photo by: Greg Sanders





Winchester Bend Apartments  
Illicit discharge  
Install adequate concrete wash-out pit  
Big Walnut Creek Watershed  
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