



Environmental
Protection Agency

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

Re: Mercer and Auglaize Counties
Storm Water
Construction

September 23, 2011

Certified Mail 7009 1410 0001 1834 0760

Mr. Steve Klosterman
Klosterman Development Company
4696 U.S. Route 127
Celina, Ohio 45822

Dear Mr. Klosterman:

In accordance with federal and state regulations, any project of land disturbance greater than one acre must apply for a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit, or CGP).

Our records show that CGPs have been issued to you for the following sites:

- SR 219 & 127 (Facility ID Number 2GC03021*AG);
- Klosterman Cove (Facility ID Number 2GC01153*AG);
- Hillside Court (Facility ID Number OHR110806);
- Blue Heron Bay (Facility ID Number 2GC02368*AG).

I have observed construction activity on the following site but do not find a CGP issued for this site: the area east of Klosterman Cove.

All of these sites have final drainage to Grand Lake St. Mary.

The CGP requires that a Storm Water Pollution Prevention Plan (SWP3) be developed for each site covered by a CGP. The CGP further requires that the SWP3 shall be completed prior to the timely submittal of a Notice of Intent which is the application for a CGP. The SWP3 shall describe and ensure the implementation of best management practices that reduce the pollutants in storm water discharges during construction and pollutants associated with post-construction activities to ensure compliance with Ohio Revised Code Section 6111.04, Ohio Administrative Code 3745-1 and the terms and conditions of the CGP. *Failure to develop a SWP3 is a violation of Part III of the CGP.*

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Procedures in an SWP3 shall also provide that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-hour period. Qualified inspection personnel are to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in the CGP or whether additional control measures are required. Following each inspection a checklist must be completed and signed by the qualified inspection personnel.

The CGP also requires that the permittee must provide a copy of the SWP3 within 10 days upon written request. Inspection logs are considered part of the SWP3 and are to be provided upon request.

Please submit to this office, **no later than 10 days from the date of this letter**, your SWP3s for each of these sites, along with the inspection logs for each site. Please also submit a copy of the NOI submitted for coverage of the site east of Klosterman Cove. *Failure to obtain an NPDES permit in a timely manner is a violation of Ohio Revised Code Chapter 6111. Failure to provide a copy of the SWP3 is a violation of Part III.C. of the CGP.*

I have previously requested these SWP3s in a February 25, 2010, letter and in letters dated April 12, 2010, to you. Be advised that the continued disregard of the conditions of the CGP along with failure to correct any violation of your permits is reason for escalated enforcement action against you.

Sincerely,



Patricia A. Tebbe, P.E.
Division of Surface Water

/cs

pc: 'DSW-NWDO File'
Auglaize County Engineer
Auglaize County SWCD
Mercer County Engineer
Mercer County SWCD

ec: NWDO Follow-up File