



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

February 12, 2007

Re: Ross County
ODOT, 207 Connector
Storm Water Construction Activity
Notice of Violation

Mr. Ashley Hoskins
Complete General Construction
1221 East 5th Avenue
Columbus, Ohio 43219

Dear Mr. Hoskins:

On February 1, 2007, I received your response to my January 12, 2007, Notice of Violation letter. I have the following comments:

1. I received the inspection documentation as requested in my January 12, 2007 letter.
2. The project will be in violation of the General Construction Stormwater Permit until all problems onsite are corrected. The General Construction Stormwater Permit does not recognize adverse weather as an exemption from meeting permit requirements. **You must comply with permit requirements as soon as possible. Complete General would not be in this adverse weather situation if proper stormwater controls were put into place as the project moved along.** Stormwater control implementation, phasing, and planning have been very poor on this project.
3. The level of detail in the inspection reports is poor. **Use the attached Ohio EPA construction site inspection checklist in conjunction with the ODOT required checklist throughout the remainder of the project.**
4. On December 15, 2006, J.R. Ervin conducted an inspection of the stormwater controls on the project (inspection report attached). The inspection report stated the following:
 - "Entire Project Inspected."
 - "No concerns expressed by ODOT."
 - "Clear and semi cold all week."
 - "Entire project has been temp. seeded and appears to be in good condition."
 - "Contractor will be shut down over Christmas holidays."
 - "Entire project has been inspected."
 - Mr. Ervin also signed and dated the inspection report.

5. Rain data from Chillicothe, Ohio shows the following rain events for 2006.

<u>Date</u>	<u>Precipitation in Inches</u>
Dec. 15	0
Dec. 16	0
Dec. 17	.5
Dec. 18	0
Dec. 19	0
Dec. 20	0
Dec. 21	.3
Dec. 22	.34
Dec. 23	.01
Dec. 24	0
Dec. 25	.6
Dec.26	.09
Total	1.84

3.7 total inches fell during the entire month of December 2006 in Chillicothe.

6. On December 26, 2006, Dale Naas, ODOT Project Inspector, and I inspected your construction project near Chillicothe and found many violations (pictures attached). I sent a Notice of Violation letter to you on January 12, 2007.
7. Your response letter, dated January 29, 2007, illustrated that a great deal of work had been completed including:
- Placing hundreds of cubic yards of rock
 - Removing large amounts of sediment from a sediment basin
 - Installing new sediment basins

These items should have been completed prior to December 15, 2006, inspection and contradict Mr. Ervin's inspection records.

8. ORC 2921.13. (A) (3),(7), & (11) states:

(A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

(3) The statement is made with purpose to mislead a public official in performing the public official's official function.

(7) The statement is in writing on or in connection with a report or return that is required or authorized by law.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

ORC 2921.13. (F) (1) states whoever violates division (A)(3), (7), (11), is guilty of falsification, a misdemeanor of the first degree.

Punishments for a misdemeanor of the first degree are as follows:

- Not more than one hundred eighty days in jail
- Not more than one thousand dollars fine

I have presented the above facts to clarify the following:

I do not believe that 1.84 inches of rain spread out over 12 days would have caused the extensive erosion and sediment deposits shown in the attached pictures. I believe that many of the violations noted during my inspection were existing on or before December 15, 2006. I also believe that the inspection report that was completed on December 15, 2006 did not reflect the true status of stormwater controls onsite.

Who was the ODOT employee that expressed no concerns about the December 15, 2006 stormwater inspection?

Did this ODOT employee express his or her thoughts in writing on or about the December 15, 2006 stormwater inspection? If so, provide a copy to me.

Please give me an explanation of why Mr. Ervin's stormwater inspection report did not show any problems during the December 15, 2006 inspection.

Please give me an explanation of why other complete general construction employees did not report any problems during the December 15, 2006 inspection.

Do you feel that ODOT has given you the oversight and assistance needed to comply with the general construction stormwater permit?

Your honesty and candidness in responding to the above questions may determine whether or not we will initiate enforcement action. Within (14) days of receipt of this letter, please submit to me at this office a written letter addressing the above issues.

If there are any questions, please contact me at (740) 380-5277.

Sincerely,



Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh

Enclosure

c: J.R Ervin , Complete General Construction
c: Ron Trivisonno, ODOT
c: Jim Setty, ODOT

