Environmental
Protection Agency
John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

September 1, 2011

Re: Coshocton County
Olds Hickory
Storm Water Construction Activity
0GC01326*AG

Mr. Jeff Phillips
Woda Construction
229 Huber Village Blvd.
Westerville, Ohio 43081

Dear Mr. Phillips:

On July 19, 2011, I visited the site located on Canal Street that had a construction stormwater permit with the Ohio EPA. The purpose of my inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statues, Ohio Revised Code (ORC) Chapter 6111.

Violators of ORC 6111 may be fined up to $10,000 per day of violation. In addition, federal law allows for third party lawsuits for failure to comply with terms and conditions of NPDES permits.

The following issues need addressed:

1. Individual Lot NOI

Since the site referenced in this letter is a sub-division you are required to transfer the permit coverage to the new owner for each lot sold. This process is outlined below:

Part I.D. of the permit states that if an operator obtains a permit for a development, and then the operator (permittee) sells off lots or parcels within that development, permit coverage must be continued on those lots until a Notice of Termination (NOT) in accordance with Part IV.B is submitted. For developments which require the use of centralized sediment and erosion controls for which the conveyance of permit coverage will jeopardize compliance with the terms and conditions of this permit, the permittee will be required to maintain responsibility for the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to

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temporarily stabilize all lots sold to individual lot owners. In cases where permit coverage for individual lot(s) will be conveyed, the permittee shall inform, in writing, the individual lot owner of the obligations under this permit and ensure that the Individual Lot NOI application is submitted to Ohio EPA.

According to Part II. A. of the permit, the buyer (operator) of a lot in a subdivided development covered by this NPDES permit must submit an individual lot NOI seven days prior to the date that the operator intends to accept responsibility for the lot. The original permittee may submit an individual lot Notice of Termination at the same time; however, transfer of coverage is not granted until a letter of approval form the Ohio EPA is received by the applicant. Once approval is received the operator assumes responsibility for the conditions of this permit and the original SWP3. It is the permittee's responsibility to inform the individual lot owner of the obligations of the permit.

According to Part V. L. of the permit, Ohio EPA must be notified in writing sixty days prior to the transfer of coverage under the NPDES general permit. It is the transferee's responsibility to inform the Ohio EPA that coverage is being transferred.

Sediment and erosion controls for your site must meet the guidelines and design criteria set forth in the above mentioned *Rainwater and Land Development* manual. A copy of this manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation, at (614) 265-6610.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions.

If there are any questions, please contact Aaron Wolfe at (740) 380-5277 or me at (740) 380-5418.

Sincerely,

Chris Stephan
Storm Water Section
Division of Surface Water

CSS/dh