



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

August 10, 2009

RE: LORAIN COUNTY
CITY OF AVON
ARLINGTON PLACE
SUBDIVISIONS 3, 4 AND 5

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. John Eavenson
Oster Construction Inc.
6150 Park Square Dr.
Lorain, OH 44053

Dear Mr. Eavenson:

On July 30, 2009, Cory Harris, Dave Rischar and I performed a compliance inspection of the storm water best management practices (BMPs) at the above referenced site. Our records indicate that this site is covered by Ohio EPA General Storm Water Permits for Construction Activities numbers 3GC04529*AG (phase 3), 3GC04530*AG (phase 4), and 3GC04531*AG (phase 5).

The inspection revealed that construction activities, defined as "the initial disturbance of soils associated with clearing, grubbing, grading, placement of fill or excavating activities or other construction activities," had begun at the site. Erosion and sediment best management practices (BMPs) have been installed; however, the following deficiencies must be addressed:

Failure to initiate the temporary stabilization of disturbed areas within 7 days of the last disturbance if they are to remain dormant for 21 days or longer. This is a violation of Part III.G.2.b.i of the National Pollution Discharge Elimination System (NPDES) Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07.

Many areas of the site consisted of bare soil. Some areas of the site have been seeded but did not grow to a 70% cover. These areas must be stabilized with grass seeding and mulching.

Failure to leave a buffer of 25 feet undisturbed along a surface water of the state. This is a violation of Part III.G.2.a of the NPDES permit and ORC 6111.04 and 6111.07.

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Failure to install silt fence or diversions to protect adjacent properties or water or water resources from sediment transported via sheet flow. This is a violation of Part III.G.2.d.i.v of the NPDES permit and ORC 6111.04 and 6111.07.

Sediment laden runoff is entering the roads around the houses that are under construction.

There are streams and wetlands on site that are being heavily impacted. You are required to obtain approval from the U.S. Army Corps of Engineers and/or the Ohio EPA for the placement of fill into wetlands as well as a permit approving the diversion of the stream. If you do not have the required permits, they must be obtained immediately. Please refer to the attached pictures for further details.

The use of any sediment control practices (silt fence or a sediment pond) in a stream. This is a violation of part III.G.2.d.v of the NPDES permit and ORC 6111.04 and 6111.07.

There is a filter sock placed in a stream bed protecting a sewer inlet, which is also located in the stream.

Failure to maintain/repair BMPs as needed to ensure that they remain in functional condition until all upslope areas are re-stabilized. This is a violation of part III.G.2.h of the NPDES permit and ORC 6111.04 and 6111.07.

There are portions of the perimeter silt fencing that have failed. These sections must be repaired or replaced and maintained.

Failure to install inlet protection on storm sewer grates, unless those sewers discharge to a sediment pond. This is a violation of part III.G.2.d.v of the NPDES permit and ORC 6111.04 and 6111.07.

Sediment laden runoff was observed entering the storm drains on the opposite curb where the houses are being constructed (on the other side of the street). Appropriate inlet protection should be provided immediately.

Please be advised that these violations are subject to further enforcement action, including fines of up to \$10,000 per day per violation. You will remain in violation of ORC 6111 until all corrective actions are taken.

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Within 7 days of receipt of this letter you are requested to provide this office with a letter of response indicating the corrective actions you will take to address these deficiencies. This NOV also serves to formally request a copy of the site's storm water pollution prevention plan to be submitted to Ohio EPA for review.

If you have any questions, please contact me at (330) 963-1138 or you may e-mail me at marcus.hollenbank@epa.state.oh.us. Thank you for your prompt attention to these matters.

Sincerely,



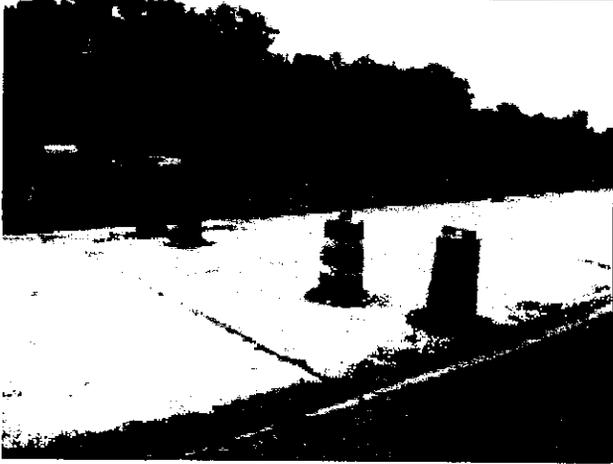
Marcus Hollenbank
Assistant to the District Engineer
Division of Surface Water

MH/mt

cc: Lauren McEleney, Ohio EPA, 401 Section, CDO
Dan Bogoevski, Ohio EPA, DSW, NEDO
Army Corps of Engineers, Buffalo District Office
Engineer, City of Avon



All areas of bare soil must be stabilized with grass seeding and mulching. This includes areas that have already been seeded, but did not grow to a proper cover. The sediment pond and sediment trap embankments must also be stabilized immediately with grass seeding and mulching.



Silt fences or filter socks should be used to prevent sediment laden runoff from entering the streets.



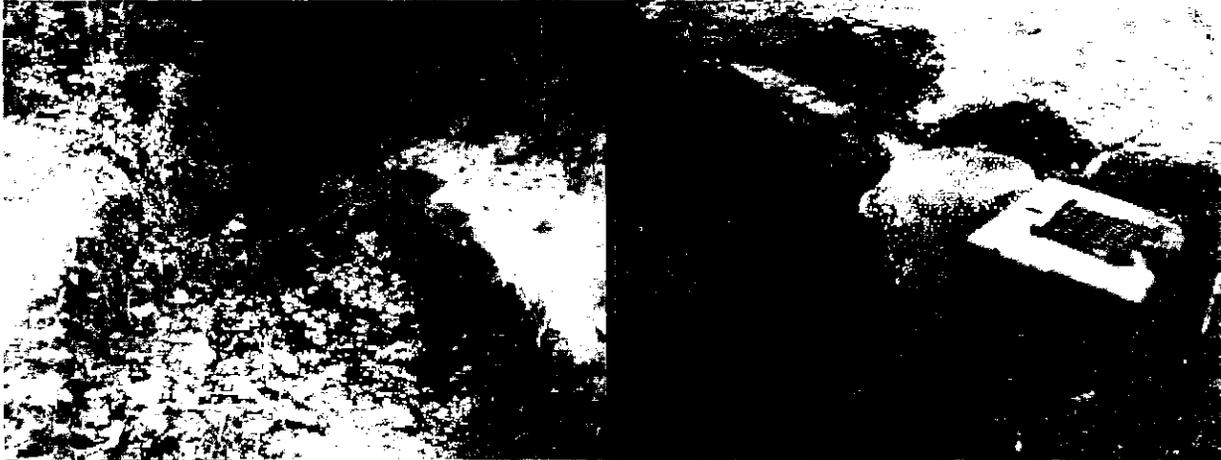
All storm sewers inlets located near areas of ongoing construction must be provided with inlet protection.



Sediment laden runoff is getting past the filter socks. All filter socks must be staked to ensure that they prevent sediment from leaving the site.



Silt fencing has failed throughout the entire site. All built up sediment should be removed and placed upland for disposal. Silt fencing that has failed should be fixed or replaced and maintained.



This stream is being heavily impacted. Sediment is being directed directly to the stream and the stream is running into a storm drain. Approval of this activity must be obtained from the U.S. Army Corps of Engineer.



The sediment pond is discharging directly to a stream. The embankments of the stream have been cleared and graded. These embankments must be stabilized with grass seeding and mulching. A copy of the approval from the U.S. Army Corp of Engineers must be submitted to this office.

Arlington Place, Avon

June 9, 2009

Marcus Hollenbank, OEPA



Fill material has been placed up to and in the wetlands throughout the site. The fill should be removed immediately, and approval from the U.S. Army Corps of Engineers must be obtained and submitted.