



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

June 11, 2009

RE: MEDINA COUNTY
ROCKY RIVER BASIN
HINCKLEY TOWNSHIP
MASON DEVELOPMENT PROJECT

NOTICE OF VIOLATION

Mr. Richard Mason
218 Ridge Road
Hinckley, Ohio 44233

Mr. Richard Mason
P.O. Box 408
Hinckley, Ohio 44233

Dear Mr. Mason:

On June 4, 2009, Chris Moody 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 now covered by an Ohio EPA General Storm Water Permit for Construction Activities # 3GC04462*AG.

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 with no erosion and sediment best management practices (BMP) installed to prevent discharges of pollutants to "waters of the state". I do not recall any BMPs installed. The following items 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 NPDES permit and the Ohio Revised Code (ORC) 6111.04 and 6111.07.

- Many areas of the site appear to require temporary stabilization (Figure 1). Within seven (7) days of receiving this Notice of Violation (NOV), all idle areas of the site must be stabilized with seeding and mulching.

Failure to protect adjacent streams from the impact of sediment laden runoff. This is a violation of Part III.G.2.d.v of the NPDES permit and ORC 6111.04 and 6111.07.

- The inspection documented the discharge of sediment to "waters of the state" (Figure 2 & 3). Silt fence and temporary sediment traps must be utilized to prevent the discharge of sediment to "waters of the state".

Failure to control the discharge of any solid or liquid waste to a water of the state. This includes failure to contain fuel tanks, storage drums, concrete washouts, trash, etc. This is a violation of Part III.G.2.g.i of the NPDES permit and ORC 6111.04 and 6111.07.

Mr. Richard Mason
Mason Development Project
June 11, 2009
Page2

- A black liquid is discharging from the disturbed fill approximately 100 feet from the entrance of the site and is discharging to "waters of the state" (Figures 4 to 6). This black liquid appears to be from a failing septic tank and must be addressed.
- Fill material appears to have been placed within possible on-site wetlands (Figures 7 to 10). Please be aware that the U.S. Army Corps of Engineers and Ohio EPA's 401 Section regulate the discharge of such materials to wetlands and appropriate permits may be required. For your convenience, the appropriate contact information is as follows:

U.S. Army Corps of Engineers
Buffalo District Office
1776 Niagra Street
Buffalo, NY 14207-3199
(716) 879-4330

Lauren McEleny, Ohio EPA
401 Section
50 West Town Street, Suite 700
Columbus, OH 43215
(614) 644-2865

Within ten days of receiving this NOV, provide me a written response as to how the deficiencies, noted above, shall be addressed. 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 should have any questions regarding this matter, please contact me at your convince 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: U.S. Army Corps of Engineers, Buffalo District Office
Jim Kamps
Mike Salay, Medina County Highway Engineers
Medina County Health Department, Environmental Services

ec: Laruen McEleny, Ohio EPA, 401 Section, CO



Figure 1. There are a large amount of tall weeds growing throughout the site. These areas must be stabilized.

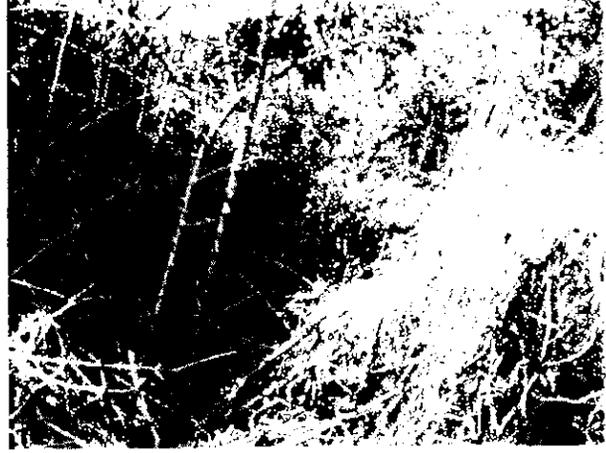
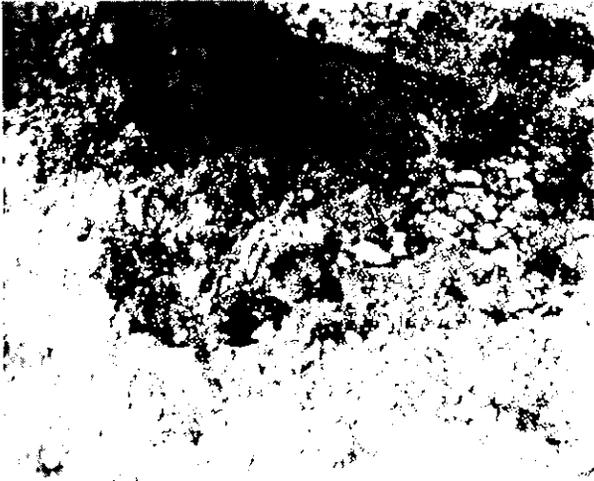


Figure 2



Figure 3

Figures 2 & 3. As seen in figure 2, sediment is running off of the bridge, as well as the sloped area after the bridge, and impacting the stream. The build up of sediment in the stream can be seen in figure 3.



Figures 4, 5 & 6. This black liquid appears to be caused by a failing septic tank. Measures must be taken to prevent this black liquid from seeping out of this slope and to prevent this black liquid from entering the wetland.



Figure 7



Figure 8



Figure 9



Figure 10

Figures 7, 8, 9 &10. There is a massive amount of fill material being pushed into this wetland, which can be seen from figures 8, 9, and 10. This should be removed and disposed of upland. It is clear that sediment is getting into the wetland from figure 7. BMPs must be installed to prevent sediment laden runoff from entering the stream.