



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

August 31, 2009

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

**NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Richard Mason  
218 Ridge Road  
Hinckley, Ohio 44233

Dear Mr. Mason:

On August 17, 2009, Ohio EPA conducted an inspection of the Richard A. Mason development project, located at 218 Ridge Road, Hinckley Township, Medina County (site). Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC04462\*AG.

The inspection documented that the placement of additional fill materials (i.e. soil and concrete slabs) have impacted "waters of the state", as documented by the expansion of fill placement between Figure 1 and Figure 2. Via notice of violation (NOV), dated March 3, 2009, Ohio EPA requested a copy of the site's wetland delineation to be submitted within ten days of receiving the NOV. As of the date of this NOV, Ohio EPA has not received a copy of the wetland delineation. **A copy of the site's delineation report and any 401 permit issued to the site must be submitted to Ohio EPA.** Part V.E. of the General Storm Water Permit requires "the permittee shall furnish to the director, within 10 days of written request, any information which the director may request to determine compliance with this permit." **Failure to submit a copy of the site's delineation to Ohio EPA within ten days of a written request constitutes violations of Ohio Revised Code (ORC) Chapter 6111 and Part V.E. of the General Storm Water Permit.** The impacts to "waters of the state" have been forwarded to the U.S. Army Corps of Engineers and Ohio EPA's 401 Section for investigation.

Ohio EPA's March 3, 2009 NOV also required a copy of the site's storm water pollution prevention plan (SWP3) be submitted to Ohio EPA for review within ten days of receiving the NOV. As of the date of this NOV, a copy of the site's SWP3 has not been received. **A copy of the site's SWP3 must be submitted to Ohio EPA for review.** Part III.C.2. of the General Storm Water Permit requires that "the permittee must provide a copy of the SWP3 within 10 days upon written request by any of the following:  
i. The director or the director's authorized representative..." **Failure to submit a copy**

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**of the site's SWP3 to Ohio EPA within ten days of a written request constitutes violations of ORC Chapter 6111 and Part III.C.2. of the General Storm Water Permit.** Construction activities should not be continued at the site until the SWP3 has been approved by Ohio EPA and all erosion and sediment controls depicted on the approved SWP3 have been implemented.

The inspection also documented the following violations of ORC Chapter 6111 and the General Storm Water Permit that must be addressed:

- Failure to have a properly designed and installed construction entrance to prevent off-site tracking of sediment (Figure 3). Please refer to Ohio Department of Natural Resources (ODNR) "Rainwater and Land Development" (RLD) manual (<http://www.dnr.state.oh.us/water/rainwater/default/tabid/9186/Default.aspx>) for the specifications regarding construction entrances;
- Failure to have a properly designated area for containing concrete washout to prevent the discharge of pollutants to "waters of the state" (Figure 4). Please refer to ODNR's RLD manual for the specifications regarding concrete washout areas;
- Failure to have properly installed erosion and sediment best management practices installed to prevent discharges of sediment to "waters of the state". Silt fence was improperly installed in areas of the site that exceed its treatment capacity. In addition, the silt fence was not properly trenched into the ground and backfilled (Figure 5). Sediment-laden runoff discharged directly into "waters of the state" (Figure 6). Sediment settling ponds are required to be installed on the site to prevent discharges of sediment to "waters of the state".
- Failure to prevent the discharge of non-sediment pollutants to "waters of the state" (Figure 7).

Within fourteen days of receiving this NOV, corrective actions must be initiated to address the above violations.

Post-construction storm water management is required at all construction sites that disturb one acre or more so that the receiving stream's physical, chemical, and biological characteristics are protected and stream functions are maintained. Structural post-construction storm water treatment practices shall be incorporated into the permanent drainage system for the site and the best management practices BMP selected must be sized to treat the water quality volume and ensure compliance with Ohio's Water Quality Standards in Ohio Administrative Code Chapter 3745-1.

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**Within ten (10) days of receiving this NOV, provide me a written response as to how the violations, detailed above, shall be addressed. This letter also serves to formally request a copy of the site's SWP3 to be submitted to Ohio EPA for review.** Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 487-1708. I will re-inspect this site in two (2) weeks to determine if the site has achieved compliance with the site's General Storm Water Permit and ORC Chapter 6111.

Sincerely,



Chris Moody  
Environmental Specialist  
Division of Surface Water

CM/mt

- cc: U.S. Army Corps of Engineers, Buffalo District Office  
Jim Kamps  
Mike Salay, Medina County Highway Engineers  
Richard Mason
- ec: Laruen McEleney, Ohio EPA, 401 Section, DSW, CO  
Donald Stewart, Medina County Health Department



**Figure 1** – A March 3, 2009 inspection documented the beginning of fill placement.



**Figure 2** – A significant expansion of fill placement has occurred on the site.



**Figure 3** – Failure to have a construction entrance installed.



**Figure 4** – Failure to prevent the discharge of concrete washout pollutants to "waters of the state".



**Figure 5** – Failure to have silt fence properly installed.



**Figure 6** – Failure to prevent the discharge of sediment to "waters of the state".



**Figure 7** – Failure to prevent discharges of non-sediment pollutant discharges to “waters of the state”.

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

RICHARD MASON  
218 RIDGE ROAD  
HINCKLEY OH 44233

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 *Simona Mason*  Agent  
 Addressee

B. Received by (Printed Name) *Simona Mason* C. Date of Delivery *7-2-09*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
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PS Form 3811, February 2004

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PS Form 3809, August 2006

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