



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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www.epa.ohio.gov

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

Re: Mercer and Auglaize Counties
Storm Water
Construction

February 25, 2010

CERTIFIED MAIL

Mr. Steve Klosterman
Klosterman Development Company
4696 U.S. Route 127
Celina, Ohio 45822

Dear Mr. Klosterman:

On December 11, 2009, I conducted inspections of your construction sites in Mercer and Auglaize Counties in order to evaluate these sites for compliance with the National Pollutant Discharge Elimination System (NPDES) Permit for storm water associated with construction activity, also known as CGP. Inspections are conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111.

The sites inspected are: State Route 219 & 127 (Facility ID no. 2GC03021*AG), the area east of Klosterman Cove (no permit found for this site), Klosterman Cove (Facility ID no. 2GC01153*AG), Hillside Court (Facility ID Number OHR110806), and Blue Heron Bay (Facility ID no. 2GC02368*AG). All of these sites have final drainage to Grand Lake St. Mary.

My inspections show that the terms and conditions of the CGP continue to be ignored. The following are observations and violations for each of the sites. These are basically the same observations and violations that have been noted previously and have yet to be addressed.

State Route 219 & 127 – Mercer County

At this inspection, I observed extensive weed growth and many bare patches over the entire site. *This is a violation of CGP Part III.G.2.b.i.*

The CGP requires that portions of the construction site which will be inactive for more than 21 days must have temporary stabilization initiated within the first seven days.

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Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented.

Area east of Klosterman Cove – Auglaize County

I observed that construction activities had occurred on property east of the Klosterman Cove development, section 19, St. Marys Township, Auglaize County that is owned by Klosterman Development Corp. Construction activities include but are not limited to grubbing, clearing, grading, or filling. The construction activities that have occurred on this property have resulted in a disturbance of one or more acres of land. In accordance with federal regulations promulgated November 16, 1990, this project must apply for a National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit, or CGP). As of the date of this letter, I still do not have a record of CGP coverage being granted for this project. Additional violations noted at the time of the inspection were that there were no sediment or erosion controls in place. *Failure to obtain a NPDES permit in a timely manner is a violation of Ohio Revised Code Chapter 6111.*

Klosterman Cove – Auglaize County

I observed extensive weed growth and many bare patches on undeveloped lots within these developments as well as severe erosion patterns. *This is a violation of the CGP Part III.G.2.b.i.*

The CGP requires that portions of the construction site which will be inactive for more than 21 days must have temporary stabilization initiated within the first seven days. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented.

There is no sediment control along the canals of the undeveloped sites allowing sediment to wash into the canals. *This is a violation of the CGP Part III.G.2.d.*

There is no inlet protection for catch basins. *This is a violation of the CGP Part III.G.2.d.iv*

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Hillside Court – Mercer County

No soil and erosion controls were in place. *This is a violation of the CGP Part III.G.2.b. and d.*

In some areas of the development, silt fence had been installed but has collapsed and has not been maintained. *This is a violation of the CGP Part III.G.2.d.v.*

There were areas that were at final grade or had been inactive for more than 45 days that did not have temporary or final seeding. Inactive areas within 50 feet of a waterway are to have soil stabilization practices begun within two days. *This is a violation of the CGP Part III.G.2.b.i.*

At the time of the inspection, a structure was being built next to the north to south canal. There were no sediment or erosion controls in place. *This is a violation of the CGP Part III.G.2.d.*

Blue Heron Bay – Auglaize County

Klosterman Development Company holds a construction general permit or (CGP), Facility ID no. 2GC02368*AG for the site on the northeast corner of the Schneider Road and Koehn Road intersection. Clearing of the site has already occurred. There was no sediment or erosion controls in place nor was there a construction entrance observed. *This is a violation of the CGP Part III.G.2.*

Piles of dirt and bare areas within this development are present. *This is a violation of the CGP Part III.G.2.b.i*

The CGP requires that portions of the construction site which will be inactive for more than 21 days must have temporary stabilization initiated within the first seven days. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. If seasonal conditions prohibit the establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented.

Please submit to this office, no later than 10 days from the date of this letter, your Storm Water Pollution Prevention Plan for each of these sites, along with the inspection logs for each site, and written notification of the actions you propose to correct the above violations.

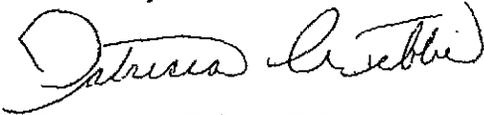
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Your written notification shall include the dates, either actual or proposed, for the completion of the actions. Your SWP3 shall fulfill all of the requirements of Part III, C of your permit.

Be advised that the continued disregard of the conditions of the CGP along with failure to correct the violations of your permits leaves me with no option other than to recommend enforcement action against you.

If you should have any questions, you may contact me at (419) 373-3016 or by e-mail at patricia.tebbe@epa.state.oh.us. A phone call will not substitute for the required written response.

Sincerely,



Patricia A. Tebbe, P.E.
Division of Surface Water

/llr

pc: DSW-NWDO File
Auglaize County Engineer
Auglaize County SWCD
Mercer County Engineer
Mercer County SWCD
NWDO Follow-up File
Certified Receipt Number 7009 0820 0000 0591 9563