

**Environmental
Protection Agency**

2011 Governor **Governor**
2011 Lt. Governor **Lt. Governor**
2011 Director **Director**

July 20, 2011

RE: SUMMIT COUNTY
CITY OF HUDSON
MIDDLETON PARK ESTATES
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Stan Katanic
Pulte Homes of Ohio LLC
387 Medina Road Suite 1700
Medina, OH 44256

Dear Mr. Katanic:

On June 22, 2011, I, along with Cindy Fink of the Summit Soil & Water Conservation District (SWCD), performed an inspection at the above-referenced site to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04013*AG. Our records indicate that Pulte Homes of Ohio LLC was granted coverage under the NPDES permit on July 10, 2008.

During my inspection, I documented the following violations of the NPDES permit:

1. **The Storm Water Pollution Prevention Plan (SWP3) was not available onsite.** This is a violation of Part III.C.1 of the NPDES permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. A copy of the SWP3 must be kept onsite during working hours. If a proper SWP3 has been developed for the site, please send me a copy with your response to this Notice of Violation (NOV).
2. **Failure to establish sediment basins within 7 days of first grubbing and prior to grading the area they are intended to control.** This is a violation of Part III.G.2.d.i of the NPDES permit and ORC 6111.04 and 6111.07. The sediment basin does not have an outlet structure. You must install a properly-designed skimmer device or riser pipe that will provide a 48 hour drawdown time of the dewatering volume and provide a sediment storage volume. Please consult the *Rainwater and Land Development Manual* (Ohio Department of Natural Resources, 2006), available on-line at <http://www.dnr.state.oh.us/tabid/9186/default.aspx>, for specifications for an appropriate outlet structure for a sediment basin.
3. **Failure to install silt fence or other perimeter sediment control along the boundaries of the disturbed areas.** This is a violation of Part III.G.2.d.iii of the NPDES permit and ORC 6111.04 and 6111.07. Although some silt fence has been installed, it was missing from several areas. Please install silt fence to control sheet flow runoff from your facility.

In addition to these violations, I noted the following issues that require your attention:

STAN KATANIC
JULY 20, 2011
PAGE 2

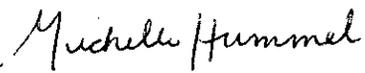
1. The entire site has been stabilized with mulch. However, Ohio EPA recommends that areas be seeded to establish vegetation. Vegetation requires less maintenance than simply relying on mulch, which will deteriorate with time and needs to be reapplied often. Please seed mulched areas to establish vegetation.
2. It does not appear that the sediment basin, which will later become a post-construction extended detention pond, will treat the runoff from all sections of the site. Please submit a copy of the SWP3, with the appropriate calculations of drainage areas both during construction and post-development, to the Ohio EPA so that the design of the basin can be verified. If you determine that this basin will not treat the runoff from the entire site, please revise the SWP3 to include other sediment and erosion controls and post-construction best management practices (BMPs), and then install these structures per the given specifications.

Please provide me with a letter of response indicating the actions you will take to address the deficiencies noted above. Your response, along with a copy of the SWP3 for the site, must be submitted to the Ohio EPA **no later than August 2, 2011**. If corrective actions are not completed by this date, please include a schedule that outlines when action will be taken. It is Ohio EPA's expectation that all of these deficiencies will be addressed within 10 days of receipt of this letter.

Finally, please fax a copy of your most recent storm water inspection report to my attention at (330) 487-0769 or via e-mail at michelle.hummel@epa.state.oh.us. The NPDES permit requires you to inspect all storm water best management practices once every 7 days and within 24 hours of a 0.5-inch or greater rainfall. The results of these inspections must be documented as indicated in Part III.G.2.i of the NPDES permit.

If you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1128.

Sincerely,


Michelle Hummel
Assistant to the District Engineer
Division of Surface Water

MH:bo

pc: Thomas Sheridan, Engineer, City of Hudson
Jeff Shiray, MS4 Program Manager, City of Hudson
Ed Ratchford, Construction Inspector, City of Hudson
William Currin, Mayor, City of Hudson
Cindy Fink, Summit SWCD

ec: Phil Rhodes, DSW, NEDO



Figure 1 – No controls are present along the boundaries of the earth-disturbance.



Figure 2 – The entire site lacks temporary vegetative cover.