



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

November 25, 2009

RE: TRUMBULL COUNTY
MAHONING RIVER BASIN
LIBERTY TOWNSHIP
LOGAN GATE DEVELOPMENT

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Bob Walley, Jr.
RAAW, LLC
5000 West Liberty Street
Hubbard, Ohio 44425

Dear Mr. Walley:

On July 27, 2009, a meeting was held on the property located northeast of Logan Gate Road, northwest of the Norfolk Southern railroad lines, and east of Powder Mill Run in Liberty Township, Trumbull County (site) to discuss the on-site violations that must be addressed via specific corrective actions. During the meeting you explained that no earth disturbance would occur so that an NOI would not have to be submitted and horse trails would be constructed on site. Via a letter dated July 30, 2009, Ohio EPA stated that "while a [Notice of Intent] NOI should have been submitted prior to the initiation of construction activities on the site, since construction activities at the site have been terminated and stabilization has been initiated, an NOI will not be submitted. However, should additional construction activities be planned for or initiated on the site, the following activities must occur:

- a. A storm water pollution prevention plan (SWP3) must be completed prior to the submittal of an NOI;
- b. An NOI must be submitted twenty-one (21) days prior to the onset of the activities; and
- c. The site's SWP3 must be implemented upon initiation of construction activities."

On November 19, 2009, Ed Wilk of Ohio EPA inspected the site and documented that construction activities are continuing on the site despite the information provided during the July 27, 2009 meeting. **Failure to submit the NOI at least twenty-one (21) days prior to the commencement of construction activities constitutes violations of Ohio Revised Code (ORC) Chapter 6111 and Part II.A. of the General Storm Water Permit.** The enclosed NOI application form must be completed and submitted to Ohio EPA, in accordance with the enclosed NOI instructions, with the appropriate fee within ten (10) days of receiving this Notice of Violation (NOV). Additional NOI applications can be obtained at the following internet address:

<http://www.epa.state.oh.us/dsw/storm/stormform.html>

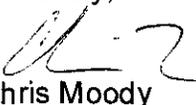
Bob Walley, Jr.
RAAW, LLC
November 25, 2009
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The General Storm Water Permit requires that a SWP3 be developed for the site that must satisfy Part III.G of the General Storm Water Permit. **Within ten (10) days of receiving this NOV, a SWP3 must be submitted to Trumbull SWCD, located at 520 West Main Street, Suite 3, Cortland, Ohio 44410, and myself for review.** Construction activities should not be continued at the site until the SWP3 has been approved by Trumbull SWCD and Ohio EPA and all erosion and sediment BMPs depicted on the approved SWP3 have been implemented. **Failure to implement the site's SWP3 upon the initiation of construction activities constitute violations of ORC Chapter 6111 and Part III.B. of the General Storm Water Permit.**

In regards to the RAAW Commercial Property, located at 5000 West Liberty Street, Liberty Township, Trumbull County, Ohio EPA notified you of SWP3 and inspection violations via NOVs dated June 17, 2009 and October 15, 2009. The NOVs required written correspondence and a revised SWP3 be submitted to Ohio EPA within fourteen days of receiving the NOVs. The written correspondence was to detail how the violations would be addressed. Ohio EPA records document that the NOVs were received June 18, 2009 and October 19, 2009. As of the date of this inspection letter, Ohio EPA has not received the written correspondence or the revised SWP3. The SWP3 revision and written correspondence must be immediately submitted to Ohio EPA for review. **Failure to address and revise the deficient SWP3 constitutes violations of ORC Chapter 6111 and Part III.C.3. and Part III.D. of the General Storm Water Permit.**

Failure to address the violations may result in enforcement being pursued, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118. I will re-inspect the sites in approximately two (2) weeks to determine if the site has achieved compliance with the General Storm Water Permit and ORC Chapter 6111.

Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM:cl

cc: U.S. Army Corps of Engineers, Pittsburgh District Office
Trumbull SWCD
Trumbull County Health Department

ec: Ed Wilk, Ohio EPA, DSW, NEDO
Rachel DeMuth, Ohio EPA, DSW, CO
Martha Horvitz, Ohio EPA, Legal



Track & Confirm

Search Results

Label/Receipt Number: **7009 1680 0000 6381 2012**
Service(s): **Certified Mail™**
Status: **Notice Left**

Track & Confirm

Enter Label/Receipt Number.

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We attempted to deliver your item at 10:08 AM on November 27, 2009 in HUBBARD, OH 44425 and a notice was left. You may pick up the item at the Post Office indicated on the notice, go to www.usps.com/redelivery, or call 800-ASK-USPS to arrange for redelivery. If this item is unclaimed after 30 days then it will be returned to the sender. Information, if available, is updated periodically throughout the day. Please check again later.

Detailed Results:

- **Notice Left, November 27, 2009, 10:08 am, HUBBARD, OH 44425**
- **Arrival at Unit, November 27, 2009, 8:45 am, HUBBARD, OH 44425**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



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Total Postage: Mr. Bob Walley, Jr. 11/25/09
RAAW, LLC
5000 West Liberty Street
Hubbard, Ohio 44425

7009 1680 0000 6361 2012



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Ted Strickland, Governor
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November 25, 2009

RE: WETLAND IMPACTS
LOGAN GATE DEVELOPMENT
LIBERTY / TRUMBULL COUNTY

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Bob Walley, Jr.
RAAW, LLC
5000 West Liberty Street
Hubbard, Ohio 44425

Dear Mr. Walley:

On November 19, 2009, I visited your property located northeast of Logan Gate Road, north of the Norfolk Southern railroad lines, in Liberty Township, Trumbull County. As a result of this investigation, Ohio EPA determined that this site continues to be in violation of the Ohio EPA Division of Surface Water 401 rules.

Ohio EPA determined that additional illegal filling of wetlands has occurred at the site mentioned above which constitutes a violation of Ohio Revised Code Section 6111.04. This prohibits any person from causing pollution to any waters of the state without a valid, unexpired permit issued by the Director of Ohio EPA. The illegal filling of wetlands is a violation of Ohio Revised Code Section 6111.02, which states that no person shall engage in the filling of a wetland unless authorized to do so by a general or individual state isolated wetland permit.

Based on my recent site visit, I observed additional filling of wetlands and limited storm water best management practices (BMP's) in place in relation to clearing and grading the site (figures 1 - 4). Additional material has been brought on site, including debris and old tires, assuming to be used as part of the fill (figures 5 and 6). Based on my investigation, it appears that no local, state, or federal permits have been authorized for the activity on this property. OEPA has not received a written response from previous violations submitted for this location.

Please be advised that failure to comply with the above laws may be cause for enforcement action pursuant to Ohio Revised Code Section 6111 and subject you to civil penalties identified in ORC 6111.09(A).

MR. BOB WALLEY, JR.
NOVEMBER 25, 2009
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Please inform this office in writing, within fifteen days of receipt of this notification, of the description of the action(s) proposed to address the violations. If you have any questions regarding the above, please contact me at 330-963-1172.

Respectfully,



Ed Wilk
Environmental Specialist 401/ Wetlands
Division of Surface Water

EW:bo

enclosure(s)

pc: Chris Moody, Ohio EPA
Jacob Gore, Trumbull SWCD
Jeff Cornelius, Army Corps of Engineers Pittsburgh District Office
Trumbull County Health Department



FIGURE 2. WEATHERED ROCKS IN THE BACKGROUND.

FIGURE 1. THE FACE OF THE BANK.