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<p>1. Article Addressed to:</p> <p><i>Bob Walley, Sr. RAAW, LLC 5000 West Liberty St Hubbard OH 44425</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) <i>7008 3230 0003 5419 8810 (Moody 1/6/10)</i></p>	

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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

December 31, 2009

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

NOTICE OF VIOLATION

CERTIFIED MAIL & 1st CLASS MAIL

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

Tri County Sports Complex, Inc.
4200 Logan Gate Road
Youngstown, Ohio 44505

Dear Mr. Walley, et al:

On December 9, 2009, Ohio EPA conducted an inspection of 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). I was accompanied by Greg Orr and Ed Wilk of Ohio EPA and Jason Trapp of Trumbull County Soil and Water Conservation District (Trumbull SWCD).

Ohio EPA records do not indicate that the site is covered under a General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity permit (General Storm Water Permit). The inspection documented 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 majority of the site and did not have appropriate erosion and sediment BMPs installed (Figures 1 to 3) or had improperly installed and/or non-functioning erosion and sediment BMPs installed (Figures 4 to 5), which were causing the discharge of sediment-laden runoff to Crab Creek, unnamed tributaries of Crab Creek, and onsite wetlands.

Since the site is greater than one acre, a Notice of Intent (NOI) application form and the appropriate fee was required to be submitted at least twenty-one (21) days prior to the commencement of construction activities in order to obtain coverage under the General Storm Water Permit. **Failure to submit the NOI at least twenty-one (21) days prior to the commencement of construction activities is a violation 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, et al.
Logan Gate Development
December 31, 2009
Page 2

Via NOV letters dated July 20, 2009, July 30, 2009, and November 25, 2009, Ohio EPA notified you of the above violation and required a NOI and a copy of the site's storm water pollution prevention plan (SWP3) be submitted to Ohio EPA. As of the date of this NOV, Ohio EPA has not received a NOI for the site or a copy of the site's SWP3. **Failure to submit a copy of the site's SWP3 within ten days of such a request constitutes a violation of ORC Chapter 6111 and Part III.C.3 of the General Storm Water Permit.**

The inspection documented the following violations of the General Storm Water Permit:

- Failure to have appropriate erosion and sediment best management practices (BMP) installed to prevent discharges of sediment to Crab Creek (Figure 6), unnamed tributary of Crab Creek (Figures 2 and 7), and onsite wetlands (Figure 1).
- Ohio EPA's Division of Solid and Infectious Waste, construction and demolition debris (C&DD) (i.e. all non clean hard fill materials) has been placed on the site (Figures 8 to X) and must be properly disposed of as a solid waste. Please contact the Trumbull County Health Department regarding this matter for resolution.

An NOI must be submitted to Ohio EPA within ten days of receiving this NOV in order for the site to obtain General Storm Water Permit coverage. In addition, Ohio EPA formally requests a copy of the site's SWP3 be submitted within ten days of receiving this NOV for review. The site's SWP3 must satisfy the requirements established within Part III.G of the Storm Water Permit. **Failure to address the above violations will result in enforcement being pursued, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation.**

Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM:cl

cc: U.S. Army Corps of Engineers Liberty Township Zoning
Trumbull SWCD Trumbull County Health Department
Trumbull County Planning Commission Warren Drescher, Drescher & Associates

ec: Ed Wilk, Ohio EPA, DSW, NEDO
Chris Moody, Ohio EPA, DSW, NEDO



Figure 1 - The majority of the site and did not have appropriate erosion and sediment BMPs installed.



Figure 2 - The majority of the site and did not have appropriate erosion and sediment BMPs installed.



Figure 3 - The majority of the site and did not have appropriate erosion and sediment BMPs installed.



Figure 4 - Non-functioning BMPs were permitting sediment-laden runoff to discharge into "waters of the state."



Figure 5 – Non-functioning BMPs were permitting sediment-laden runoff to discharge into “waters of the state.”



Figure 6 – Discharges of sediment-laden runoff were occurring to “waters of the state.”



Figure 7– Discharges of sediment-laden runoff were occurring to “waters of the state.”



Figure 8 – C&DD materials (i.e. all non clean hard fill materials) must be disposed of as a solid waste.



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- **Unclaimed, January 20, 2010, 8:58 am, HUBBARD, OH**
- **Notice Left, January 05, 2010, 11:21 am, HUBBARD, OH 44425**
- **Arrival at Unit, January 05, 2010, 7:03 am, HUBBARD, OH 44425**

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- **Delivered, January 25, 2010, 9:50 am, TWINSBURG, OH 44087**
- **Notice Left, January 23, 2010, 9:44 am, TWINSBURG, OH 44087**
- **Unclaimed, January 22, 2010, 9:50 am, YOUNGSTOWN, OH**
- **Notice Left, January 06, 2010, 12:26 pm, YOUNGSTOWN, OH 44505**

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State of Ohio Environmental Protection Agency

Northeast District Office

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www.epa.state.oh.us

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

December 31, 2009

RE: **TRUMBULL COUNTY
MAHONING RIVER BASIN
LIBERTY TOWNSHIP
RAAW COMMERCIAL PROPERTY**

NOTICE OF VIOLATION

CERTIFIED LETTER & 1st CLASS MAIL

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

Dear Mr. Walley:

Ohio EPA records indicate that the RAAW Commercial Property, located at 5000 West Liberty Street, Liberty Township, Trumbull County (site), is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC03921*AG.

Via Notice of Violation (NOV) letters dated June 17, 2009, Ohio EPA notified you of inspection violations. Via NOV's dated June 17, 2009, July 30, 2009, October 15, 2009, and November 25, 2009, Ohio EPA notified you of storm water pollution prevention plan (SWP3) violations. The NOV's required written correspondence and a revised SWP3 be immediately submitted to Ohio EPA for review. The written correspondence was to detail what corrective actions were to be performed to address the violations. As of the date of this NOV, Ohio EPA has not received the written correspondence addressing the violations or a copy of the revised SWP3 for the site. **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.** A copy of the revised SWP3 must be submitted immediately to Ohio EPA and Trumbull Soil and Water Conservation District (Trumbull SWCD), located at 520 West Main Street, Suite 3, Cortland, Ohio 44410 for review.

Failure to address the violations will 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.

Sincerely,

Chris Moody
Environmental Specialist
Division of Surface Water

CM:cl

cc: Trumbull SWCD
Warren Drescher, Drescher & Associates

ec: Ed Wilk, Ohio EPA, DSW, NEDO



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December 31, 2009

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MAHONING RIVER BASIN
LIBERTY TOWNSHIP
RAAW COMMERCIAL PROPERTY

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RAAW, LLC
5000 West Liberty Street
Hubbard, Ohio 44425

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Lee Fisher, Lieutenant Governor
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December 31, 2009

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

NOTICE OF VIOLATION

CERTIFIED MAIL & 1st CLASS MAIL

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RAAW, LLC
5000 West Liberty Street
Hubbard, Ohio 44425

Tri County Sports Complex, Inc.
4200 Logan Gate Road
Youngstown, Ohio 44505

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Bob Walley, et al.
Logan Gate Development
December 31, 2009
Page 2

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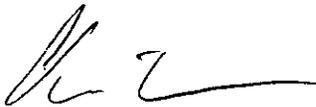
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Sincerely,



Chris Moody
Environmental Specialist
Division of Surface Water

CM:cl

cc: U.S. Army Corps of Engineers Liberty Township Zoning
Trumbull SWCD Trumbull County Health Department
Trumbull County Planning Commission Warren Drescher, Drescher & Associates

ec: Ed Wilk, Ohio EPA, DSW, NEDO
Chris Moody, Ohio EPA, DSW, NEDO



Figure 1 - The majority of the site and did not have appropriate erosion and sediment BMPs installed.



Figure 2 - The majority of the site and did not have appropriate erosion and sediment BMPs installed.



Figure 3 - The majority of the site and did not have appropriate erosion and sediment BMPs installed.

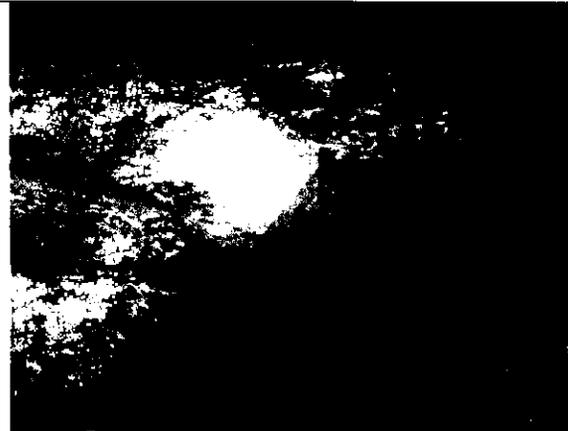


Figure 4 - Non-functioning BMPs were permitting sediment-laden runoff to discharge into "waters of the state."



Figure 5 – Non-functioning BMPs were permitting sediment-laden runoff to discharge into “waters of the state.”



Figure 6 – Discharges of sediment-laden runoff were occurring to “waters of the state.”



Figure 7– Discharges of sediment-laden runoff were occurring to “waters of the state.”



Figure 8 – C&DD materials (i.e. all non clean hard fill materials) must be disposed of as a solid waste.



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- **Unclaimed, January 22, 2010, 5:47 am, HUBBARD, OH**
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- **Arrival at Unit, January 07, 2010, 7:41 am, HUBBARD, OH 44425**

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