



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

October 20, 2009

RE: WAYNE COUNTY
MUSKINGUM RIVER BASIN
CITY OF ORRVILLE
ORCHARD GLEN

NOTICE OF VIOLATION

CERTIFIED MAIL

Ms. Jeanne Kinney
Orchard Glen LLC
229 Huber Village Blvd., Suite 100
Westerville, Ohio 43081

Dear Ms. Kinney:

On October 6, 2009, this office performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site. Our records indicate that this site is covered by Ohio EPA General Storm Water Permit for Construction Activities # 3GC04176*AG.

The inspection revealed the following violations:

- **Failure to initiate the temporary stabilization of disturbed areas within 7 days of the last disturbance if they are to remain dormant for 21 days or longer.** This is a violation of Part III.G.2.b.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. A soil storage pile was observed with no erosion controls, such as silt fencing, installed around it to prevent migration of sediment. Erosion controls must be installed immediately around the pile. Other areas of bare soil were observed that have not been stabilized. All areas of bare soil, including soil stockpiles, must be stabilized immediately with grass seeding/mulching if they are to be idle for more than 21 days.
- **Failure to minimize off-site vehicle tracking of sediment by using stone construction entrances, street sweeping, or other good housekeeping measures.** This is a violation of Part III.G.2.g.ii of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. No rock construction entrances were installed for the individual homes under construction and sediments were observed being tracked onto the streets. Rock construction entrances must be installed immediately and all sediments tracked onto streets must be swept up daily and placed upland for disposal.
- **Failure to maintain the working order of sediment basins and perimeter sediment barriers until the upslope development area has been re-stabilized.** This is a violation of Part III.G.2.d.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The sediment basin appeared to be accumulating large amounts of sediment due to the lack of erosion/sediment controls on individual building lots. Accumulated sediments should be dredged and placed upland for disposal. Silt fencing along the east side of the site appeared to be failing and should be replaced or repaired immediately and maintained.

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- **Failure to install inlet protection on storm sewer grates.** This is a violation of Part III.G.2.d.iv of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. Curb storm sewer inlets were observed in areas of active construction that did not have inlet protection. Inlet protection must be provided immediately for these structures and maintained until all upland areas are stabilized with vegetation.
- **Failure to maintain/repair BMPs as needed to assure that they remain in a functional condition until all upslope areas are re-stabilized.** This is a violation of Part III.G.2.h of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. See above.
- **Failure to inspect all BMPs at least once every 7 days and within 24 hours of a 0.5" or greater rainfall.** This is a violation of Part III.G.2.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. It appeared that no inspections have been occurring as no repairs/maintenance of existing BMPs have been made.

Please be advised that these violations are subject to further enforcement action, including fines of up to \$10,000 per day per violation. You will remain in violation of ORC 6111 until all corrective actions are taken.

Within 7 days of receipt of this letter you are requested to provide this office with a letter of response indicating the corrective actions you will take to address these deficiencies. With your response, please submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) that was prepared for the site.

All corrective actions should be completed by November 17, 2009.

If you have any questions, please contact me at (330) 963-1117. Thank you for your prompt attention to this matter.

Sincerely,



Kelvin F. Rogers
Environmental Specialist
Division of Surface Water

KFR/mt

cc: Engineer, City of Orrville

File: stormwater/construction

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

JEANNE KINNEY
 ORCHARD GLEN LLC
 229 HUBER VILLAGE BLVD STE 100
 WESTERVILLE OH 43081

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 Shea Sonecker

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