



Environmental Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 18, 2011

Re: Athens County
Hickory Creek Continuing Care Comm.
Storm Water Construction Activity
Notice of Violation
0GC00984*AG

Mr. Bill Bias
Elixir Development Corp.
10575 Summer Lane
Mt. Vernon, Ohio 43050

Dear Mr. Bias:

On June 29, 2011, I visited your site on Circle Drive. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for the discharge of stormwater associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

Permit Coverage:

Table 1: Permanent Stabilization

| Area requiring permanent stabilization | Time frame to apply erosion controls |
|---|--|
| Any areas that will lie dormant for one year or more | Within seven days of the most recent disturbance |
| Any areas within 50 feet of a surface water of the State and at final grade | Within two days of reaching final grade |
| Any other areas at final grade | Within seven days of reaching final grade within that area |

Table 2: Temporary Stabilization

| Area requiring temporary stabilization | Time frame to apply erosion controls |
|--|--|
| Any disturbed areas within 50 feet of a surface water of the State and not at final grade | Within two days of the most recent disturbance if the area will remain idle for more than 21 days |
| For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State | Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s). |
| Disturbed areas that will be idle over winter | Prior to the onset of winter weather |

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

Upon inspection, there were many areas throughout the site that appeared to be at final grade. Assess the entire site according to the above permit requirements, apply stabilization immediately. The barren area to the left of the site is of vital importance since there is a wetland at the toe of the slope.

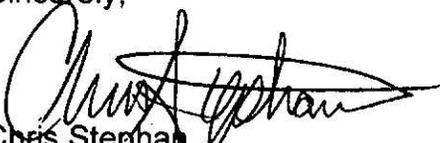
According to Part III.G.2.e. of the permit, velocity dissipation devices should be utilized along the length of an outfall to provide non-erosive flow velocity from the structure.

The outfall that discharges into the depression in front of the care center requires stabilization to prevent erosive flow.

Sediment and erosion controls for your site must meet the guidelines and design criteria set forth in the above mentioned *Rainwater and Land Development* manual. A copy of this manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation, at (614) 265-6610.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact me at (740) 380-5418 or Aaron Wolfe at (740) 380-5277.

Sincerely,



Chris Stephan
Storm Water Section
Division of Surface Water

CCS/dh

THE PREVIOUS LETTER
CONTAINED AN INCORRECT
DATE OF INSPECTION.
THIS LETTER SERVES
TO REPLACE THE
PREVIOUS LETTER.