

**Environmental
Protection Agency**

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

August 9, 2011

Re: Guernsey County
Southgate Business Plaza
Storm Water Construction Activity
Notice of Violation
0GC01399*AG

Mr. Harold Black
Blacks Real Estate, Inc.
59016 Vocational Road
Byesville, Ohio 43723

Dear Mr. Black:

On July 5, 2011, I visited your site on Southgate Parkway in Cambridge. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water 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:

1. Part III.G.2.b of the permit states:

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, it appeared that the area leading downhill toward Wills Creek was lacking adequate stabilization. Please re-seed the subject area to provide a permanent vegetative growth and to prevent further soil loss.

2. Part III.G.2.h of the permit states that all sediment control practices must be maintained and repaired until the entire up slope area of the development has been stabilized. According to Part III.G.2.i. of the permit, controls must be inspected once every seven calendar days and within 24 hours after any storm event greater than one half an inch in 24 hours. Repairs must be accomplished within three days of the inspection, except in the case of sediment ponds, which must be repaired within 10 days. In accordance with Part III.G.2.d.vi., if inspections or other information indicates that a control is not functioning or ineffectual, then the permittee must replace or modify the control.

Please replace silt fencing along area leading downhill toward Wills Creek until the subject area has reached full stabilization with a vegetative cover.

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.

Violators of ORC 6111 may be fined up to \$10,000 per day of violation. In addition, federal law allows for third party lawsuits for failure to comply with terms and conditions of NPDES permits.

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) 380-5447 or Aaron Wolfe at (740) 380-5277.

Sincerely,



L.J. Parkins
Storm Water Section
Division of Surface Water

LJP/dh