



**Environmental
Protection Agency**

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

September 13, 2011

Re: Muskingum County
Wellington Place
Storm Water Construction Activity
Notice of Violation
OCG00667*AG

Mr. Rock Van Wey
Van Wey Sand & Gravel Inc.
6824 Mount Vernon Road
Newark, Ohio 43055

Dear Mr. Van Wey:

On June 27 and August 17, 2011, I performed inspections of your site on Northpointe Drive in Zanesville. The purpose of the inspections 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 inspections were 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

1. Part III.G.2.b.i (Table 1) of the permit requires that permanent stabilization be applied to areas at final grade within seven days of the last disturbance. Permanent stabilization is defined as the establishment of permanent vegetative cover, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control.

Stabilization is needed throughout nearly all of the development. Lack of stabilization combined with many rain events has created highly erosive conditions on the development. These conditions have allowed deep rills and gullies (some in excess of 3-4 feet deep) to form throughout the disturbed areas of the project. Re-grading of much of the area on the rear end of the development will be necessary along with proper preparation of the soil and an application of seed and straw. Refer to the Rainwater and Land Development Manual and the NPDES Permit for detailed instructions on temporary and permanent stabilization.

2. Part III.G.2.b.i. (Table 2) of the permit requires that any area that will lie dormant for more than 21 days, but less than a year, be stabilized within seven days of the most recent disturbance.

At the time of my inspection, it appeared that many disturbed areas on the site had been dormant for more than 21 days. Please stabilize these areas immediately.

3. 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.

Silt fencing throughout the site has been compromised by erosive flow conditions. Silt fencing must always be functional and effective until the disturbed ground it is treating is fully stabilized with vegetative growth, riprap, geo matting, etc. In addition, silt fencing is designated as a storm water control only in areas of sheet flow. There are several areas of your site with channelized flow that have overtaken the silt fencing. Our recommendation is to install rock check dams and/or erosion control geo matting in areas of channelized 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) 380-5447 or Aaron Wolfe at (740) 380-5277.

Sincerely,



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

LJP/dh