



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

October 14, 2010

**Re:** Perry County  
Herron Bay Complaint  
Storm Water Construction Activity  
Notice of Violation

Lake Side Construction  
P.O. Box 1566  
Powell, Ohio 43076

Dear Lake Side Construction:

On August 6, 2010, I visited your site on Vista Point Drive in Thornville. 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 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:

1. No Permit For Site

Operators who discharge storm water associated with construction activity must submit a Notice of Intent (NOI) application form in accordance with the requirements of this permit (Part I.E.1.). Construction activities are defined as clearing, grading, excavating, grubbing and/or filling activities (Part I.B.1.). Part II. B. of the permit states that anyone discharging storm water to state surface waters without an NPDES permit is in violation of Ohio Revised Code 6111 and may therefore be subject to Ohio EPA enforcement action. Please submit your NOI application immediately.

**Since the lot is in a subdivision, apply for an Individual Lot NOI.**

2. Part III. G. 2. b. Stabilization

**Table 1: Permanent Stabilization**

<b>Area requiring permanent stabilization</b>	<b>Time frame to apply erosion controls</b>
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.

**Apply adequate stabilization with seed and straw in the time frames outlined above in the stabilization chart.**

3. Silt Fencing

Part III.G.2.d.iii of the permit requires silt fence to be installed on a level contour. Silt fence should be utilized in accordance with the specification of the *Rainwater and Land Development* manual.

**At the time of my inspection, no silt fence was installed at the site. Please install silt fence immediately.**

4. Construction Entrance

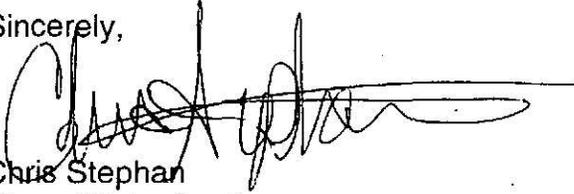
Part III.G.2.g.ii. of the permit requires that off-site vehicle tracking of sediments be minimized. This is accomplished by constructing a proper construction entrance. The *Rainwater and Land Development* manual defines a construction entrance as a pad of aggregate 6 inches deep, 10 feet wide and 50 feet in length (30 feet for single residence lots).

**Access construction entrance at the site to ensure it is within full compliance of the permit so that off site sediment tracking is minimized.**

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,

A handwritten signature in black ink, appearing to read "Chris Stephan", written over a horizontal line.

Chris Stephan  
Storm Water Section  
Division of Surface Water

CCS/dh

c: Bob Panian