



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

August 13, 2010

**Re: Ross County  
Kensington Subdivision  
Stormwater Construction  
Notice of Violation  
0GC01079\*AG**

Mr. James K. Cutright  
Kingston Development  
76 W. Second Street  
Chillicothe, Ohio 45601

Dear Mr. Cutright:

On June 21, 2010, Chris Stephan and I visited your site in Chillicothe. The purpose of my 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 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 7 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.

**Several areas along the roadways are improperly stabilized and are causing erosive conditions with sediment ending up on the roads. Re-stabilize these areas immediately.**

**Please note that all new lot owners should be made aware of storm water requirements. Individual lot owners must also comply with the permit. The process for transferring permit coverage is outlined below:**

Part I.D. of the permit states that if an operator obtains a permit for a development, and then the operator (permittee) sells off lots or parcels within that development, permit coverage must be continued on those lots until a Notice of Termination (NOT) in accordance with Part IV.B is submitted. For developments which require the use of centralized sediment and erosion controls for which the conveyance of permit coverage will jeopardize compliance with the terms and conditions of this permit, the permittee will

be required to maintain responsibility for the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to temporarily stabilize all lots sold to individual lot owners. In cases where permit coverage for individual lot(s) will be conveyed, the permittee shall inform, in writing, the individual lot owner of the obligations under this permit and ensure that the Individual Lot NOI application is submitted to Ohio EPA.

According to Part II. A. of the permit, the buyer (operator) of a lot in a subdivided development covered by this NPDES permit must submit an individual lot NOI seven days prior to the date that the operator intends to accept responsibility for the lot. The original permittee may submit an individual lot Notice of Termination at the same time; however, transfer of coverage is not granted until a letter of approval from the Ohio EPA is received by the applicant. Once approval is received the operator assumes responsibility for the conditions of this permit and the original SWP3. It is the permittee's responsibility to inform the individual lot owner of the obligations of the permit.

According to Part V. L. of the permit, Ohio EPA must be notified in writing sixty days prior to the transfer of coverage under the NPDES general permit. It is the transferee's responsibility to inform the Ohio EPA that coverage is being transferred.

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 Aaron Wolfe at (740) 380-5277 or me at (740) 380-5430.

Sincerely,



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

LJP/dh