



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

August 14, 2009

**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 July 21, 2009, I visited your site adjacent to Club Drive in Chillicothe. The purpose of the inspection was to determine the compliance status 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:

Permit Coverage:

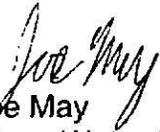
1. Part III.G.2.b.ii. of the permit states that operators shall stabilize channels and outfalls to prevent erosive flows. Techniques may include seeding, mulching, erosion control matting, sodding, rip rap, or rock check dams. **There is channelized flow leading into the sediment pond and where the storm water drain tile discharges into the sediment pond (see pictures). These areas need to be stabilized with rip rap or rock check dams.**
2. Part III.G.2.g.iv of the permit states that there will be no discharge of turbid waters resulting from de-watering activities to waters of the state. Sediment laden water must be treated by passage through sediment control devices before it may be discharged from the construction site. **There is no discharge orifice on the sediment pond. The straw bales are not sufficient treatment for this discharge (see pictures). An orifice needs to be added to in compliance with your permit.**

Please be advised that failure to comply with the terms and conditions of your NPDES permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

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.

Sincerely,



Joe May
Storm Water Section
Division of Surface Water

JM/dh

Enclosure