



**Environmental  
Protection Agency**

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

September 2, 2011

**Re:** Tuscarawas County  
Oak Shadows Subdivision Phase III  
Storm Water Construction Activity  
Notice of Violation  
0GC00974\*AG

Mr. Robert Martinelli  
Golf Oak LLC  
P.O. Box 291  
Dover, Ohio 44622

Dear Mr. Martinelli:

On July 21, 2011, I visited your site on PGA Boulevard. 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. 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. The following areas need to be addressed:

**Permit Coverage:**

1. Stabilization

**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.

Southeast District Office  
2195 Front Street  
Logan, OH 43138-8637

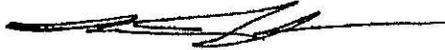
740 | 385 8501  
740 | 385 6490 (fax)  
www.epa.ohio.gov

**Apply stabilization to the barren area and soil stock piles at the end of Fairway Drive. This can be achieved by applying seed and straw.**

**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,



Chris Stephan  
Storm Water Section  
Division of Surface Water

CCS/dh