

**Environmental  
Protection Agency**

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

September 6, 2011

**Re:** Tuscarawas County  
Rutledge Gate Phase 1  
Storm Water Construction Activity  
Notice of Violation  
OGC00150\*AG

Ms. Norma Ryan  
R&B Venture  
928 E. High Avenue  
New Philadelphia, Ohio 44663

Dear Ms. Ryan:

On August 24, 2011, I visited your site on Deer Park Drive. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for the discharge 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. Post-Construction Maintenance

Detailed drawings and maintenance plans must be provided for all post-construction BMPs. Part III.G.2.e. of the permit states that post-construction storm water practices must provide perpetual management of runoff quality and quantity. These plans and drawings should be provided by the permittee to the post construction operator of the site.

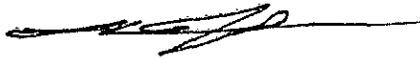
**The design and functionality of the permanent post-construction pond may not meet permit requirements. In response to this letter please include the pond outfall size, the parameters on which the orifice size were based, and the individual responsible for long term maintenance of the basin. Also, provide a site plat showing the current owner of the detention basin.**

**Per permit conditions the pond must be effective for perpetuity, it is up to you to ensure it is adequately sized and properly protected via a conservation easement, homeowners association, or private land holder agreement.**

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