



**Environmental
Protection Agency**

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

September 2, 2011

Re: Tuscarawas County
Pointe at Willandale
Storm Water Construction
0GC01175*AG

Mr. Roy W. Miller
Miller-Hope Development Co. LLC
5156 S. Kohler Road
Apple Creek, Ohio 44606

Dear Mr. Miller:

On July 20, 2011, I visited your site on Golf Course Road. 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 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.

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 issues need addressed:

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.

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The entire area around the new home construction appeared to have remained barren 21 days or longer. Access entire site according to the stabilization chart above. Apply seed and straw to achieve adequate stabilization as required by the permit.

2. Silt Fence

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.

Install silt fence at the toe of the slope on the lot where the new home is being constructed until sufficient stabilization on the area above is achieved.

3. Individual Lot NOI

Since the site referenced in this letter is a sub-division you are required to transfer the permit coverage to the new owner for each lot sold. This process 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 there are any questions, please contact Aaron Wolfe at (740) 380-5277 or me at (740) 380-5418.

Sincerely,



Chris Stephan
Storm Water Section
Division of Surface Water

CSS/dh