



Environmental
Protection Agency

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

September 6, 2011

Re: Tuscarawas County
Burky Farm LLC
Storm Water Construction Activity
Notice of Violation
OGC01616*AG

Mr. Gary Burky
Burky Farm LLC
7257 Sugarcreek Road
New Philadelphia, Ohio 44663

Dear Mr. Burky:

On July 20, 2011, I visited your site on Crooked Run 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 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. 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.

The disturbed area is adjacent to a creek, apply silt fence along at the toe of the slope to prevent sediment from reaching the creek.

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.

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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,

A handwritten signature in black ink, appearing to read "Chris Stephan", written over a horizontal line.

Chris Stephan
Storm Water Section
Division of Surface Water

CCS/dh