Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 22, 2011

Re: Scioto County
Coleman/Journey Borrow Site
Canter Borrow Site
Storm Water Construction Activity
Notice of Violation
0GC01328*AG/0GC01327*AG
Certified Mail 70101060000178961146

J.P. Picklesimer
32 State Route 239
West Portsmouth, Ohio 45663

On December 16, 2011, I visited the Coleman/Journey Site and Canter Site; both borrow areas are located on Careys Run Road near Portsmouth, Ohio. The purpose of the inspections was to determine the compliance status of the sites with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspections were conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

1. Part III.G.2.b.i. of the permit requires that disturbed areas must be stabilized as specified in the following text below. Permanent and temporary stabilization are defined in Part VII of the Permit.

   Permanent Stabilization

   Any areas that will lie dormant for one year or more must be stabilized within seven days of the most recent disturbance.

   Any areas within 50 feet of a surface water of the State and at final grade must be stabilized within two days of reaching final grade.

   Any other areas at final grade must be stabilized within seven days of reaching final grade within that area.

   Temporary Stabilization

   Any areas within 50 feet of a surface water of the State and at final grade must be stabilized within two days of reaching final grade if the area will remain idle for more than 21 days.

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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 must be stabilized within seven days of the most recent disturbance within the area.

Disturbed areas that will be idle over winter must be stabilized 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.

PART VII.H of the permit states. "Final stabilization" means that either: 1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion;

Coleman/Journey Site:

All areas must be capable of meeting stabilization requirements. The stabilization attempt at this site is not sufficient and did not produce an appropriate stand of vegetation. Additional grading work and stabilization must occur immediately to comply with the terms and conditions of the permit. Soil amendments may need to be added to bring the soil to a quality suitable for sustained and appropriate growth required by the permit.

Canter Site:

All areas must be capable of meeting stabilization requirements. The stabilization attempt at this site is not sufficient and did not produce an appropriate stand of vegetation. Additional grading work and stabilization must occur immediately to comply with the terms and conditions of the permit. Soil amendments may need to be added to bring the soil to a quality suitable for sustained and appropriate growth required by the permit.

2. Part III.G.2.b. ii. of the permit requires that operators undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding (as defined in the current edition of the Rainwater and Land Development manual), mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques or rock check dams.

Coleman/Journey Site and Canter Site:

The rock that was placed in some of the ditches is to large in most areas to provide benefit. Erosion continues to occur at an excessive rate at both sites. Stabilize all channels and outfalls immediately.

3. Part III.G.2.c. of the permit requires the operator to incorporate measures which control the flow of runoff from disturbed areas so as to prevent erosion from occurring. Such practices may include rock check dams, pipe slope drains, diversions to direct flow away from exposed soils and protective grading practices. These practices shall divert runoff away from disturbed areas and steep slopes where practicable. Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel to provide non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

Coleman/Journey Site and Canter Site:

The rock that was placed in some of the ditches is to large in most areas to provide benefit. Erosion continues to occur at an excessive rate at both sites. Stabilize all channels and outfalls immediately. Many of the steep slopes at both sites are eroding badly. All slopes that do not have appropriate vegetation must be stabilized immediately.

4. Part III.G.2.i of the permit requires that sediment control structures be functional throughout the course of earth disturbing activity. Sediment basins and perimeter sediment barriers shall be implemented prior to grading and within seven days from the start of grubbing. They shall continue to function until the up slope development area is re-stabilized. As construction progresses and the topography is altered, appropriate controls must be constructed or existing controls altered to address the changing drainage patterns.

Part III.G.2.ii. of the permit states that a sediment settling pond is required for any one of the following conditions:

Concentrated storm water runoff (e.g., storm sewer or ditch);

Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;

Runoff from drainage areas that exceed the design capacity of inlet protection; or

Runoff from common drainage locations with 10 or more acres of disturbed land.

Part III.G.2.d.ii of the permit states that the permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond. The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft3) per acre of drainage (67 yd3/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: The volume of the sediment storage zone shall be 1000 ft3 per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

Part III.G.2.d.iii. of the permit states that sheet flow runoff from denuded areas shall be intercepted by silt fence or diversions to protect adjacent properties and water resources from sediment transported via sheet flow. Where intended to provide sediment control, silt fence shall be placed on a level contour downslope of the disturbed area. This permit does not preclude the use of other sediment barriers designed to control sheet flow runoff.

The pond at the Journey site does not appear to be large enough. The two small ponds at the Canter site do not possess ample storage for treatment of storm water. You are required to comply with this section of the permit. You must ensure the ponds are of sufficient size and volume for the drainage area immediately.

5. Part III.G.2.g.h.i of the permit states that at a minimum, procedures in an SWP3 shall provide that all controls on the site are inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The inspection frequency may be reduced to at least once every month if the entire site is temporarily stabilized or runoff is unlikely due to weather conditions (e.g., site is covered with snow, ice, or the ground is frozen). A waiver of inspection requirements is available until one

month before thawing conditions are expected to result in a discharge if all of the following conditions are met: the project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month); land disturbance activities have been suspended; and the beginning and ending dates of the waiver period are documented in the SWP3. Once a definable area has been finally stabilized, you may mark this on your SWP3 and no further inspection requirements apply to that portion of the site. The permittee shall assign "qualified inspection personnel" to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate and properly implemented in accordance with the schedule proposed in Part III.G.1.g of the permit or whether additional control measures are required.

Following each inspection, a checklist must be completed and signed by the qualified inspection personnel representative. At a minimum, the inspection report must include:

i. the inspection date;
ii. names, titles, and qualifications of personnel making the inspection;
iii. weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
iv. weather information and a description of any discharges occurring at the time of the inspection;
iv. location(s) of discharges of sediment or other pollutants from the site;
v. location(s) of BMPs that need to be maintained;
vi. location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
vii. location(s) where additional BMPs are needed that did not exist at the time of inspection; and
viii. corrective action required including any changes to the SWP3 necessary and implementation dates.

Submit the last two months of inspection reports and records for both borrow areas with your response letter.

6. Part V.D. of the permit states that the permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

Both sites still do not meet permit requirements. It is my understanding that both sites are currently idle. You will not be able to terminate permit coverage until both sites are fully stabilized.

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) 380-5277.

Penalties for the types of violations listed above accrue daily. You should take immediate action to bring both borrow sites into full compliance immediately.

Sincerely,

Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh

Enclosure

Boone Coleman Const.

Canter Site 12-16-11 taken by Aaron Wolfe OEPA DSW

Old Culvert Area – Waters of the state

Discharge to Carey's Run

Boone Coleman Const.

Canter Site 12-16-11 taken by Aaron Wolfe OEPA DSW

Poor stabilization and eroded ditch

Sediment trap with decreased capacity due to large sediment deposits.

Boone Coleman Const.

Canter Site 12-16-11 taken by Aaron Wolfe OEPA DSW

Poor stabilization and eroded ditch

Boone Coleman Const.

Canter Site 12-16-11 taken by Aaron Wolfe OEPA DSW

Poor stabilization and eroded ditch

Poor stabilization and eroded ditch

Boone Coleman Const.

Journey Site 12-16-11 taken by Aaron Wolfe OEPA DSW

Poorly stabilized area

Poorly stabilized area and erosion gullies

Boone Coleman Const.

Journey Site 12-16-11 taken by Aaron Wolfe OEPA DSW

Erosion gullies and poor stabilization

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Poorly stabilized area

Poorly stabilized area

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Sediment migrating from site into Carey's Run