



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

January 18, 2012

RE: Holmes County  
Miller-Hope Condominium Development  
NPDES Permit No. OHC000003  
Ohio EPA Permit No. 3GC05169\*AG  
Construction Storm Water Inspection

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

**Notice of Violation**

Dear Mr. Miller:

On January 5, 2012, Ohio EPA conducted a storm water inspection at Miller-Hope Condominium Development aka the Cove, located at 4870 Township Road 403, Walnut Creek Township, Holmes County (site). Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GC05169\*AG. The inspection documented the following violations:

**Storm Water Inspection**

- No erosion and sediment best management practices (BMP) have been installed to prevent the discharge of sediment to the onsite stream. Diversion channels and erosion gullies discharge untreated sediment-laden storm water runoff to "waters of the State" (Figures 1 to 3). Sediment deposition was observed within the onsite stream (Figure 4). Properly designed sediment settling ponds must be installed on the western portion of the site.
- No stabilization of idle areas of the site has occurred prior to the onset of winter (Figures 1 to 3 and 7). Mulching must be implemented on the idle areas of the site.
- A sediment detention basin has been constructed in the southeastern portion of the site that has not been modified for sediment removal (Figure 5). A properly designed dewatering skimmer must be installed on the outlet structure. In addition, a catch basin has been installed within the basin, which appears to drain the sediment detention basin directly into the culverted onsite stream (Figure 6).
- Untreated sediment-laden storm water runoff is discharging directly into the undisturbed stream channel that has been bypassed via the stream culvert on the south eastern portion of the site (Figures 7 to 8). A properly designed sediment settling basin must be installed to treat sediment prior to a discharge to "waters of the State."
- Ohio EPA could not determine how the post-construction storm water management requirements of the General Storm Water Permit will be satisfied on the site (i.e. sediment detention basin and the storm sewer system along the roadway serving the eastern

portion of the site). Information must be submitted that details the design of post-construction BMPs and includes all necessary calculations (i.e. dewatering time, drainage areas, sizing calculations, etc.).

#### **Stream Impacts**

- An onsite stream has been culverted in two locations on the site and appears to exceed approximately one hundred fifty feet of impact (Figures 9 to 13). Upon questioning the project engineer, it does not appear that the site has received any 401/404 permit from the U.S. Army Corps of Engineers or Ohio EPA's 401 section. Please contact Tom Harcarik of Ohio EPA's 401 Section regarding the appropriate permitting that may be required for the stream impacts. For your convenience, Mr. Harcarik can be contacted at (614) 644-2139 or via e-mail at [tom.harcarik@epa.ohio.gov](mailto:tom.harcarik@epa.ohio.gov).

#### **Storm Water Pollution Prevention Plan**

- In accordance with Part II.C.2 of the General Storm Water Permit, Ohio EPA requests a copy of the site's storm water pollution prevention plan (SWP3) to be submitted for review within ten days of receiving this notice of violation. In addition, the SWP3 must include information detailing how Part III.G.2.e of the General Storm Water Permit will be satisfied.

#### **Inspection Records**

- Part III.G.2.i of the General Storm Water Permit establishes inspection frequencies that must be satisfied. Please submit copies of all of the inspections that have been performed in accordance with Part III.G.2.i of the General Storm Water Permit for calendar year 2011.

Ohio EPA will re-inspect the site in approximately two weeks to verify that the site is in compliance with the General Storm Water Permit. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at [chris.moody@epa.ohio.gov](mailto:chris.moody@epa.ohio.gov).

Sincerely,



Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/cs

cc: US Army Corps of Engineers, Huntington District  
Willis Schlabach  
Harry Matter, President, Civil Design Associates

ec: Tom Harcarik, Ohio EPA, DSW, CO



**Figure 1** - Diversion channels and erosion gullies discharge untreated sediment-laden storm water runoff to "waters of the State."



**Figure 2** - Diversion channels and erosion gullies discharge untreated sediment-laden storm water runoff to "waters of the State."



**Figure 3** - Diversion channels and erosion gullies discharge untreated sediment-laden storm water runoff to "waters of the State."



**Figure 4** - Sediment deposition was observed within the onsite stream.



**Figure 5** - The sediment detention basin outlet has not been modified for sediment removal



**Figure 6** - A catch basin has been installed within the basin, which appears to drain the sediment detention basin directly into the culverted onsite stream.



**Figure 7** - Untreated sediment-laden storm water runoff is discharging directly into the undisturbed stream channel.



**Figure 8** - The undisturbed stream channel receiving untreated sediment-laden storm water runoff.



**Figure 9** - Upstream of the western culvert on the western portion of the site.



**Figure 10** - The culvert of the stream located on the western portion of the site.



**Figure 11** - Downstream of the culvert located on the western portion of the site.



**Figure 12** - Upstream of the basin culvert located on the eastern portion of the site.



**Figure 13** - Downstream of the basin culvert located on the eastern portion of the site.