



Environmental
Protection Agency

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

March 7, 2012

Re: Athens County
Zuchowski Property
Storm Water Construction Activity
Notice of Violation
Permit Number 0GC01509*AG

Mr. Dan Buck
York Paving Company
758 Union Street
Athens, Ohio 45701

Dear Mr. Buck:

On December 27, 2012, I visited your site on Williams 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. I have the following comments:

1. Part III.G.2.b.i. (Table 2) of the permit requires that any area that will lie dormant for more than 21 days, but less than a year be stabilized within 7 days of the most recent disturbance.

Portions of your site do not meet this requirement. Assess your site and implement the proper controls immediately to ensure compliance with the permit.

2. Part III.G.2.b.i. (Table 2) of the permit requires that any area within 50 feet of a stream that will remain dormant for more than 21 days be stabilized within 2 days of the most recent disturbance.

Portions of your site do not meet this requirement. Assess your site and implement the proper controls immediately to ensure compliance with the permit.

3. Part III.G.2.h of the permit states that all sediment control practices must be maintained and repaired until the entire up slope area of the development has been stabilized. According to Part III.G.2.i. of the permit, controls must be inspected once every seven calendar days and within 24 hours after any storm

event greater than one half an inch in 24 hours. Repairs must be accomplished within three days of the inspection, except in the case of sediment ponds, which must be repaired within 10 days. In accordance with Part III.G.2.d.vi., if inspections or other information indicates that a control is not functioning or ineffectual, then the permittee must replace or modify the control.

Silt fence was not present at the toe of the dam slope during my inspection. Silt fence should have been in place during the entire project timeframe. Install storm water controls immediately, as needed, to ensure compliance with the permit

4. Part III.G.2.g.iv of the permit states that there will be no discharge of turbid waters resulting from de-watering activities to waters of the state. Sediment laden water must be treated by passage through sediment control devices before it may be discharged from the construction site.

Ensure this requirement is being met if you dewater the lake.

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.

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 your NPDES permit.

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.

Sincerely,



Aaron Wolfe
Storm Water Section
Division of Surface Water

AW/dh