



**Environmental
Protection Agency**

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

April 26, 2012

Re: Ross County
Adena Water Tower
Storm Water Construction Activity
Notice of Violation
0GC01647

Mr. Tom Day
City of Chillicothe
35 South Paint Street
Chillicothe, Ohio 45601

Dear Mr. Day:

On April 16, 2012, I conducted an inspection of your project. The purpose of the inspection was to determine the compliance status of the 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. 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.

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;

Portions of your site appeared to be at final grade. Please assess the entire project for areas that do not meet the above requirement and stabilize accordingly.

2. 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.

Portions of the disturbed area adjacent to the water tank should have silt fence installed. This silt fence should be installed along the wood line on the downhill side of the project. The disturbance associated with the waterline itself does not require silt fence installation as long as the area is stabilized with seed and straw as the pipe is installed. Do not allow the contractor to leave the pipeline project disturbed for long periods of time.

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 Coordinator
Division of Surface Water

AW/dh

Enclosure