



Environmental
Protection Agency

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

May 3, 2012

Mr. Mike Ferring
Kelchner Excavating
50 Advanced Drive
Springboro, OH 45066

RE: Notice of Violation, NPDES Permit # 1GC03958

Dear Mr. Ferring:

On Monday, April 23, 2012, I inspected a construction site called "Access A" (Old Byers Road) near Miamisburg to determine compliance with its NPDES storm water discharge permit. Based on my observations, the site is in violation of the following portion of this permit:

1. Part III.G.2.b.i Stabilization

Aside from some weedy growth and a short run of silt fence installed at the curb near the new road's intersection with Austin Pike, the bulk of the site was barren with no useful erosion or sediment controls installed. According to the Notice of Intent (NOI) form submitted for the site, the estimated completion date for this project was August, 2011.

Please explain in a written response to this letter:

1. Why efforts to stabilize the site have not been undertaken despite the prolonged period of time since the job was completed;
2. What will be done to stabilize the site, and when the work will be completed?

Please submit the requested information within 14 days of receipt of this letter.

If you have questions about this letter, I may be reached at 937.285.6442, or via email at chris.cotton@epa.state.oh.us.

Sincerely,

Chris Cotton
Environmental Specialist II
Division of Surface Water

cc: Larry Reeder, Enforcement Coordinator, Ohio EPA/DSW