



**Environmental  
Protection Agency**

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

Re: **Notice of Violation**  
Henry County  
Napoleon Biogas LLC  
Construction  
Storm Water

July 18, 2012

Mr. Robert Blythe  
Napoleon Biogas LLC  
319 First Street  
Atlantic, Florida 32233

Dear Mr. Blythe:

On June 26, 2012, Bernard Weik and I inspected Napoleon Biogas LLC located at County Road P-3, Napoleon. The purpose of our inspection was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity, Facility ID No. 2GC02857\*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. No one was present to provide information on the project.

Ohio EPA has not received a Co-Permittee Notice of Intent (NOI) for this project. This form is used by construction site operators, as defined in Part VII.O. of the Construction General Permit, to become co-permittees with the initial permittee of a construction site. Please note that Part II. A. of the Construction General Permit (CGP) **requires all operators at a construction site to become co-permittees**. Copies of the Co-Permittee NOI may be downloaded from our website at <http://www.epa.ohio.gov/dsw/storm/stormform.aspx>.

As a result of the inspection, I have the following comments:

1. At the time of the inspection, the site was inactive. It appeared that grading and grubbing had taken place. Due to the absence of personnel or a construction trailer, the Storm Water Pollution Prevention Plan (SWP3) and inspection logs were not available for review.
2. The site had not been stabilized.

*Permit Requires:* Portions of the construction site that will be inactive for more than 21 days must have temporary stabilization initiated within the first seven. Temporary stabilization is required prior to the onset of winter weather for ground that will be idle over winter. Permanent stabilization is required within seven days on any portion of the site that has reached final grade or will be idle for longer than one year. Soil stabilization practices shall be initiated within two days on inactive, barren areas within 50 feet of a stream. In addition, disturbed areas in residential subdivisions must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s). Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the

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establishment of vegetative cover, other means, such as mulching and matting, must still be used and maintained until more permanent methods can be implemented. *Failure to do so is a violation of Part III.G.2.b.i. of your permit.*

3. All sediment and erosion control practices must meet the standards of the current edition of *Rainwater and Land Development: Ohio's Standards for Storm Water Management, Land Development, and Urban Stream Protection*. The silt fence was not entrenched, specifically to the north of the site. To be acceptable, the silt fence must be entrenched 4-6 inches and backfilled.
4. I observed falling silt fence along the perimeter of the site.

*Permit Requires:* Structural practices shall be used on all sites remaining disturbed for more than 14 days. They shall be implemented prior to grading and within seven days from the start of grubbing. They must remain functional until the upslope area is restabilized. *This is a violation of Part III.G.2.d. of the permit.*

Within 10 days of the date on this letter, please submit to this office **written notification** of the reasons for the above mentioned comments as well as the actions taken or proposed to prevent any future violations. Your response should include the dates, either actual or proposed, for the completion of the actions.

If there are any questions, please contact me at (419) 373-3025.

Sincerely,



Jessica Heitman  
Division of Surface Water  
Storm Water Program

/jlm

ec: Tracking