



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Defiance County
Mulligans Bluff Road Bridge
Construction
Storm Water

July 18, 2012

Mr. Michael Lenhart
Defiance County Government
510 Court Street Suite 201
Defiance, Ohio 43512

Mr. Steven Zachrich
R.G. Zachrich
10105 Haller Street
Defiance, Ohio 43512

Dear Messrs. Lenhart and Zachrich:

On June 26, 2012, Bernard Weik and I inspected Mulligans Bluff Road Bridge located at Mud Creek Road, Defiance (photos taken). 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. 2GC03116*AG. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Steve Laing, R.G. Zachrich, was present to provide information on the project.

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

1. At the time of the inspection, construction of the site was ongoing. The road to the north of the bridge was in the process of compaction, and Mr. Laing informed us that they just completed shaping the ditches along Mulligans Bluff Road. Three of the four rock checks had yet to be installed. The Storm Water Pollution Prevention Plan (SWP3) and inspection logs were available for review and were satisfactory.
2. Silt fence was installed along both sides of Mulligans Bluff Road although it was not entrenched on the east side.

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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.6.2.d. of the permit.* Mr. Laing informed us that a knoll had recently been removed and the fence would be fixed.

3. Due to the recent shaping of the ditches, stabilization has not yet been established. Please keep in mind that any areas that will remain idle for more than 21 days or have reached final grade must have stabilization introduced within the first seven.

Permit Requires: Portions of the 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. Permanent seeding and mulching is required before construction activity is completed throughout the entire site. If seasonal conditions prohibit the 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 the permit.*

Within 10 days of the date on this letter, please submit to this office **written notification** as to 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 of Water
Storm Water Program

/jlm

ec: Tracking