



**Environmental  
Protection Agency**

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

Re: **Notice of Violation**  
Defiance County  
Bob Evans Restaurant  
Construction  
Storm Water

July 27, 2012

Mr. Scott Kelley  
Construction Manager  
Bob Evans Farms, Inc.  
3776 South High Street  
Columbus, Ohio 43207

Dear Mr. Kelley:

On June 26, 2012, Jessica Heitman and I inspected Bob Evans Restaurant at 1835 North Clinton Street, Defiance. The purpose of our visit 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. 2GC02963. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. Our records indicate that there are no co-permittees on the project.

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

1. At the time of inspection, construction at the site had been completed. The building and parking lot had been installed.
2. Storm drain inlet protection had not been installed in the parking lot.

*Permits Requires:* Practices shall minimize sediment laden water entering active storm drain systems unless they drain to a sediment settling pond. *This is a violation of Part III.G.2.d.iv. of the permit.* I recommend that proper inlet protection be installed.

A Notice of Termination (NOT) must be filed to relieve you of the obligation to comply with this general permit. An NOT may be filed if one or more of the following conditions have been met:

- Final stabilization has been established on all areas of the site for which the permittee is responsible. Final stabilization means that all soil disturbing activities at the site are complete and a uniform perennial vegetative cover of at least 70% density has been established over the entire site. All temporary erosion and sediment control measures have been removed, properly disposed of, and all trapped sediment has been permanently stabilized; or

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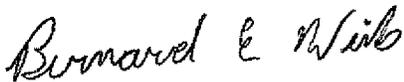
- Another operator(s) has assumed control over all areas of the site that have not been fully stabilized.

Your site does not yet appear to meet all of the conditions mentioned above. The site, although seeded and mulched, has not yet reached 70% density of perennial vegetation. Once a 70% density of perennial vegetation has been reached on all disturbed ground, you may remove temporary sediment controls and file the NOT form. The NOT form and instructions can be found on our website: <http://www.epa.ohio.gov/dsw/storm/stormform.aspx>. NOTs must be mailed to Ohio EPA's Central Office within 45 days of when the above criteria are met.

Within 10 days of the date on this letter, please submit to this office **written notification** as to 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 419-373-3011.

Sincerely,



Bernard E. Weik  
Division of Surface Water  
Storm Water Program

/jlm

cc: Jennifer English, Defiance County Urban Storm Water Specialist  
Tracking