



**Environmental
Protection Agency**

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

Re: **Notice of Violation**
Lucas County
Crimson Hollow Plats 5 & 6
Construction
Storm Water

July 31, 2012

Mr. Don Ulrich
LCH Holding, LLC
8057 English Garden Court
Maumee, Ohio 43537

Dear Mr. Ulrich:

On July 11, 2012, I inspected Crimson Hollow Plats 5 & 6, in Monclova Township, Ohio (photos taken). 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. 2GC03010*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 onsite at the time of our visit.

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 three lots had begun construction and two of the three lots had poured foundations. The Storm Water Pollution Prevention Plan (SWP3) and inspection logs were received in this office on June 14, 2012.
2. All curb inlets drain into the retention pond, which then discharges into the ditch. Inlet protection was incorrectly installed. Silt fence placed under sewer grate is not an effective control measure. *Permit Requires:* All erosion and sediment control practices used to meet the conditions of the permit should meet the standards and specifications of the current edition of Ohio's *Rainwater and Land Development Manual* (ODNR) or other standards acceptable to the Ohio EPA. *Please see Part III.G.2. of the permit.*
3. Stable construction entrances are required where vehicles are accessing the site. I observed an excess of sediment tracking into the street. *This is a violation of Part III.G.2.g.ii. of the permit.* The permit requires that a stable (non-erodible) construction entrance be installed where vehicles access sites and that measures be implemented to minimize vehicle tracking and dust generation.
4. I observed unstabilized soil stockpiles where building foundations had been poured. It did not appear that the stockpiles had 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. 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 establishment of vegetative cover, other means, such as

mulching and matting, must still be used and maintained until more permanent methods can be implemented. *Please see Part III.G.2.b.i. of the permit.* I recommend immediately applying some type of temporary stabilization to the stockpiles. After the foundations have been backfilled and before building materials have been delivered is another time when using temporary stabilization is applicable.

5. It appeared that the site may have been seeded, but it was not mulched. Seed by itself is not considered a form of stabilization, as it does not control erosion until vegetation is well established. Any method of stabilization employed must be capable of providing immediate cover. *This is a violation of Part III.G.2.b.i. of the permit.* All erosion and sediment control practices used to meet the conditions of this permit should meet the standards and specifications of the current edition of Ohio's Rainwater and Land Development Manual (ODNR) or other standards acceptable to Ohio EPA. *This is a violation of Part III.G.2.i. of the permit.* All bare idle areas of the site must be properly and immediately stabilized. I recommend applying straw mulch at two tons/acre and maintaining this cover until fall, when seasonal conditions are more favorable for seeding.
6. The pond banks had been seeded and mulched. Rip-rap had been placed along the waterline. While vegetation was starting to grow, rills and gullies were still evident. *Permit Requires: All erosion and sediment control practices used to meet the conditions of this permit should meet the standards and specifications of the current edition of Ohio's Rainwater and Land Development Manual (ODNR) or other standards acceptable to Ohio EPA. This is a violation of Part III.G.2.i. of the permit.* The rills and gullies must be filled in with soil and stabilized. Erosion control matting may be required.
7. There was evidence of erosion at the inlet pipe to the retention pond. Rocks had been added but the placement and size of the stone did not appear to be halting erosion. *Permit Requires: Operators shall undertake special measures to stabilize channels and outfalls. The SWP3 shall incorporate measures that control flow so as to prevent erosion. This is a violation of Part III.G.2.b.ii. (stable conveyance channel) of the permit.*
8. Sediment depth was over half the height of the silt fence in many areas around the pond. In some locations, sediment had overtopped the silt fence and covered the rip-rap in the pond. *Permit Requires: All control practices shall be maintained and repaired as needed to assure continued performance of their intended function. This is a violation of Part III.G.2.h. of the permit.* Built-up sediment must be removed and stabilized.
9. According to our records, no other permittees have been granted CGP coverage for this site. The act of selling lots does not automatically relieve the original permittee of his permit obligations. Permit coverage must be continued on sold lots until the lots are eligible for, and the permittee has submitted, a Notice of Termination (NOT). For developments such as this one, which require the use of centralized sediment and erosion controls (controls that address runoff from one or more lots, such as inlet protection and sediment settling basins) for which the transfer of permit coverage for a portion of the development will either prevent or impair the implementation of the controls, the permittee is required to maintain responsibility for the implementation of those controls. Where this is not the case, the permittee must temporarily

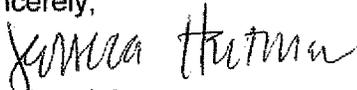
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stabilize sold lots prior to permit transfer, inform the individual lot owner of the permit obligations, and ensure the Individual Lot Notice of Intent (Lot NOI) application is submitted to the Ohio EPA. *Please see Part I.D. of the permit.*

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. Please note that failure to completely address all violations may result in escalated enforcement action.

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

Sincerely,



Jessica Heitman
Division of Surface Water
Storm Water Program

/jlm

ec: Jeff Grabarkiewicz, Lucas County SWCD
Brian Miller, PE, Lucas County Engineer's Office
Tracking