



**Environmental  
Protection Agency**

**John R. Kasich, Governor**

**Mary Taylor, Lt. Governor**

**Scott J. Nally, Director**

August 7, 2012

**Re:** Guernsey County  
Colgate Palmolive Borrow  
Storm Water Construction Activity  
Notice of Violation  
Permit OGC01138\*AG

Gary Graham Construction, Inc.  
13310 East Pike Road  
Cambridge, Ohio 43725

Mr. Brent Hylton  
Colgate-Palmolive Co.  
8800 Guernsey Industrial Blvd.  
Cambridge, Ohio 43725

Mr. Michael Bless  
Davis Architectural Group  
841 Steubenville Avenue  
Cambridge, Ohio 43725

On July 26, 2012, I visited your site on Guernsey Industrial Blvd. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of stormwater associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. I have the following comments:

**Permit Coverage:**

1. Part II. A. of the permit states that If more than one operator, as defined in Part VII of this general permit, will be engaged at a site, each operator shall seek coverage under this general permit. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required.

**During my inspection, it was brought to my attention that the borrow area in question was also used as a fill area for another project (Colgate Palmolive Truck Yard Permit OGC01636\*AG) that was completed by Davis Architectural Group.**

2. Part III.G.2.b.i. (Table 2) of the permit requires that any area that will lie dormant for more than 21 days, but less than a year be stabilized within 7 days of the most recent disturbance.

**Table 2: Temporary Stabilization**

Area requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the State and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State	Within seven days of the most recent disturbance within the area  For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

**During the inspection, the borrow area appeared to be active. However, bear in mind these requirements as work progresses at the borrow site.**

3. Part III.G.2.d. of the permit states the plan shall include a description of structural practices that shall store runoff allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 14 days. Such practices may include, among others: sediment settling ponds, silt fences, earth diversion dikes or channels which direct runoff to a sediment settling pond and storm drain inlet protection. All sediment control practices must be capable of ponding runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless those are used in conjunction with a sediment settling pond.

**During the inspection, a sediment laden channel entering the grass toward the airport was observed. As per the discussion with Brent Hylton we recommend installing a sediment settling pond or similar structure to prevent erosive flows from escaping the site. The berm in place was washed out and not sufficient for the area it received. Reference ODNR's Rainwater and Land Development Manual for design criteria and guidelines.**

Sediment and erosion controls for your site must meet the guidelines and design criteria set forth in the above mentioned *Rainwater and Land Development* manual. A copy of this manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation, at (614) 265-6610.

Violators of ORC 6111 may be fined up to \$10,000 per day of violation. In addition, federal law allows for third party lawsuits for failure to comply with your NPDES permit.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact me at (740) 380-5277

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe Cook', with a stylized flourish at the end.

Joe Cook  
Storm Water Section  
Division of Surface Water

JC/dh