



**Environmental
Protection Agency**

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

August 8, 2012

Re: Muskingum County
City Electric Service, Inc.
Storm Water Construction Activity
Notice of Violation
Permit 0GC01627*AG

Mr. Steve Browning
City Electric
830 Clay Street
Zanesville, Ohio 43701

Dear Mr. Browning:

On July 9, 2012, I visited your site on Clay Street. 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 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 |

At the time of the inspection the site appeared to be idle. If the site will be idle for more than 21 days you must stabilize the property within 7 days of the most recent disturbance.

2. Part III.G.2.h of the permit states that all sediment control practices must be maintained and repaired until the entire up slope area of the development has been stabilized. According to Part III.G.2.h.i. of the permit, controls must be inspected once every seven calendar days and within 24 hours after any storm event greater than one half an inch in 24 hours. Repairs must be accomplished within three days of the inspection, except in the case of sediment ponds, which must be repaired within 10 days. In accordance with Part III.G.2.d.vi., if periodic inspections or other information indicates that a control has been inappropriately or incorrectly, then the permittee must replace or modify the control for site conditions.

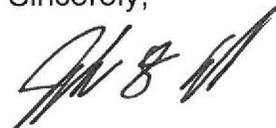
At the time of the inspection silt fence along the eastern edge of the property facing State Route 22 needed repair. Please continue to maintain silt controls on the site at all times.

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,



Joe Cook
Storm Water Section
Division of Surface Water

JDC/dh