



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

August 8, 2012

Re: Jackson County
Frick Gallagher MFG
Storm Water Construction Activity
Notice of Violation
Permit OGC01691*AG

Mr. Mike Heitz
J Eslich Construction and Equipment Corp.
3525 Broadway Avenue
Louisville, Ohio 44641

Dear Mr. Heitz:

On July 11, 2012, I visited your site on South Michigan Avenue. 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 inspection patches of weeds had begun to grow, but no indications of an attempt at seeding the property were apparent. Please seed and straw the property as soon as possible to meet the requirement of 70% vegetative cover set forth in the general permit.

2. Part V. N. of the permit states that all facilities and systems of treatment and control must be properly operated and maintained at all times.

At the time of inspection the straw bales placed to protect inlets were not providing adequate sediment control. Sediment and refuse was observed within the two catch basins on site. We do not recommend straw bales for inlet protection and do recommend silt fence. Please repair the silt fence around the perimeter of the site as necessary.

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

c: Nea S. Henry, Appalachia Realty