



**Environmental
Protection Agency**

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

August 10, 2012

Re: Tuscarawas County
Tuscarawas Regional Technology Park
Storm Water Construction
0GC00307*AG

Mr. James Jenkins
City of New Philadelphia
150 East High Avenue
Philadelphia, Ohio 44663

Dear Mr. Jenkins:

On July 18, 2012, I visited your site between University Dr. and Goshen T-306 in New Philadelphia, Ohio. 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 storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following issues need addressed:

Individual Lot NOI:

Since the site referenced in this letter is a subdivision, you are required to transfer the permit coverage to the new owner for each lot sold. This process is outlined below:

Part I.D. of the permit states that if an operator obtains a permit for a development, and then the operator (permittee) sells off lots or parcels within that development, permit coverage must be continued on those lots until a Notice of Termination (NOT) in accordance with Part IV.B is submitted. For developments which require the use of centralized sediment and erosion controls for which the conveyance of permit coverage will jeopardize compliance with the terms and conditions of this permit, the permittee will be required to maintain responsibility for the implementation of those controls. For developments where this is not the case, it is the permittee's responsibility to temporarily stabilize all lots sold to individual lot owners. In cases where permit coverage for individual lot(s) will be conveyed, the permittee shall inform, in writing, the individual lot owner of the obligations under this permit and ensure that the Individual Lot NOI application is submitted to Ohio EPA.

According to Part II A. of the permit, the buyer (operator) of a lot in a subdivided development covered by this NPDES permit must submit an individual lot NOI seven days prior to the date that the operator intends to accept responsibility for the lot. The original permittee may submit an individual lot Notice of Termination at the same time;

Southeast District Office
2195 Front Street
Logan, OH 43138-8637

740 | 385 8501
740 | 385 6490 (fax)
www.epa.ohio.gov

however, transfer of coverage is not granted until a letter of approval from the Ohio EPA is received by the applicant. Once approval is received the operator assumes responsibility for the conditions of this permit and the original SWP3. It is the permittee's responsibility to inform the individual lot owner of the obligations of the permit.

According to Part V. L. of the permit, Ohio EPA must be notified in writing sixty days prior to the transfer of coverage under the NPDES general permit. It is the transferee's responsibility to inform the Ohio EPA that coverage is being transferred.

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 terms and conditions of NPDES permits.

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 there are any questions, please contact me at (740) 380-5447 or Aaron Wolfe at (740) 380-5277.

Sincerely,



Sara Peters
Storm Water Section
Division of Surface Water

SJP/dh

Enclosure: Individual Notice of Intent