



**Environmental  
Protection Agency**

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

August 8, 2012

**Re:** Gallia County  
Kiara Estates Subdivision  
Storm Water Construction Activity  
Notice of Violation  
Permit 0GC00325\*AG

Mr. Felipe Beach  
Kiara Estates Subdivision  
1127 Hidden Valley Drive  
Bidwell, Ohio 45614

Dear Mr. Beach:

On July 12, 2012, I visited your site on State Route 160. 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. According to Part II. A. of the permit, Operators must each submit an individual lot notice of intent (Individual Lot NOI) application form (no fee required) to Ohio EPA at least seven days prior to the date that they intend to accept responsibility for permit requirements for their portion of the original permitted development from the previous permittee. The original permittee may submit an Individual Lot NOT at the time the Individual Lot NOI is submitted. Transfer of permit coverage is not granted until an approval letter from the director of Ohio EPA is received by the applicant.

**At the time of inspection construction activities appeared to be completed. If you intend to sell individual lots please advise new lot owners to fill out Individual Lot Notices of Intents at least 7 days before they intend to accept responsibility for the permit requirements.**

2. Part III.G.2.d.ii of the permit requires a sediment settling pond is for any one of the following conditions:
  - Concentrated storm water runoff (e.g., storm sewer or ditch);
  - Runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;

- Runoff from drainage areas that exceed the design capacity of inlet protection; or
- Runoff from common drainage locations with 10 or more acres of disturbed land.

The permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond.

The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft<sup>3</sup>) per acre of drainage (67 yd<sup>3</sup>/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: The volume of the sediment storage zone shall be 1000 ft<sup>3</sup> per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length: width ratio), however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

**The pond appeared to meet design standards for volume; however, the riser pipe near the face of the dam rose higher than the crest of the dam. Also, there was no orifice opening in the riser. Please base all designs for riser pipes on the ODNR Rainwater and Land Development Manual to provide adequate dewatering times during storm events.**

3. Part III.G.2.b.ii. of the permit states that operators shall stabilize channels and outfalls to prevent erosive flows. Techniques may include seeding, mulching, erosion control matting, sodding, rip rap, or rock check dams.

**As stated above, the riser pipe in the pond rose higher than the crest of the dam. The spillway located on the north east corner of the pond showed signs of erosive flows in the past. We recommend correcting the issues with the riser pipe to allow for adequate dewatering, and applying rip rap to the emergency spill way to mitigate the risk of erosive flows in the future.**

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