Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

August 8, 2012

Re: Perry County
Family Healthcare, Inc.
Storm Water Construction Activity
Notice of Violation
0GC01694*AG

Mr. Mark Bridenbaugh
Family Healthcare, Inc.
1049 Western Avenue
Chillicothe, Ohio 45601

Mr. Tim Tutt
Gutknecht Construction
2280 Citygate Drive
Columbus, Ohio 43219

Dear Mr. Bridenbaugh and Mr. Tutt:

On July 7, 2012, I visited your site on Panther Drive in New Lexington, 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 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.d.ii of the permit requires a sediment settling pond is required 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.

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2195 Front Street
Logan, OH 43138-8637

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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 (ft3) per acre of drainage (67 yd3/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 ft3 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.

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.

Please make constructing your sediment pond a priority due to the slope of your surrounding land and the runoff potential. Dead limbs and branches do not act as a sufficient storm water control device.

2. According to Part III.G.2.c. of the permit, velocity dissipation devices should be utilized along the length of an outfall to provide non-erosive flow velocity from the structure.

Large amounts of sediment were found in the roadside ditch. Install proper storm water controls to eliminate this from happening.

3. In accordance with Part III.G.2.d.i. and Part III.G.2.h. of the permit, all sediment control structures shall be functional throughout the course of earth disturbing activities. Sediment controls should be in place prior to the onset of construction activities and must remain in place until the entire up slope area is stabilized.

4. Part III.G.2.d.iii of the permit requires silt fence to be installed on a level contour. Silt fence should be utilized in accordance with the specification of the *Rainwater and Land Development* manual.

5. 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.

   Repair and maintain all silt fences.

6. Part III.G.2.g.ii. of the permit requires that off-site vehicle tracking of sediments be minimized. This is accomplished by constructing a proper construction entrance. The *Rainwater and Land Development* manual defines a construction entrance as a pad of aggregate 6 inches deep, 10 feet wide and 50 feet in length (30 feet for single residence lots).

   If you are going to use two entrances then both of them need to have the proper storm water controls. Place aggregate on the second to reduce tracking potential.

7. 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.

   Implement these conditions immediately.

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) 380-5447

Sincerely,

Sara Peters
Storm Water Section
Division of Surface Water

SJP/dh