



**Environmental
Protection Agency**

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

August 24, 2012

Re: Guernsey County
DO Hall Business Center Phase 2
Storm Water Construction Activity
Notice of Violation
Permit 0GC01585*AG

Mr. Paul Sherry
Guernsey County Port Authority
806 Cochran Avenue
Cambridge, Ohio 43725

Mr. Norm Blanchard
Community Improvement Corporation
806 Cochran Avenue
Cambridge, Ohio 43725

Mr. Dean Nicolozakes
Nicolozakes Trucking and Construction, Inc.
8555 Georgetown Road
Cambridge, Ohio 43725

On August 3, 2012, I visited your site on Gander Road. 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. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations. Other permit requirements commonly associated with construction activities include, but are not limited to, section 401 water quality certifications, isolated wetland permits, permits to install sanitary sewers or other devices that discharge or convey polluted water, permits to install drinking water lines, single lot sanitary system permits and disturbance of land which was used to operate a solid or hazardous waste facility (i.e., coverage under this NPDES general permit does not satisfy the requirements of OAC Rule 3745-27-13 or ORC Section 3734.02(H)). This permit does not relieve the permittee of other responsibilities associated with construction activities such as contacting the Ohio Department of Natural Resources, Division of Water, to ensure proper well installation and abandonment of wells. (Part I.E.2.). Part III.G.2.f. of the permit states that If the

project site contains any streams, rivers, lakes, wetlands or other surface waters, certain construction activities at the site may be regulated under the CWA and/or state non-jurisdictional stream and wetland requirements. Sections 404 and 401 of the Act regulate the discharge of dredged or fill material into surface waters and the impacts of such activities on water quality, respectively. Construction activities in surface waters which may be subject to CWA regulation and/or state requirements include, but are not limited to: sewer line crossings, grading, backfilling or culverting streams, filling wetlands, road and utility line construction, bridge installation and installation of flow control structures. If the project contains streams, rivers, lakes or wetlands or possible wetlands, the permittee must contact the appropriate U.S. Army Corps of Engineers District Office. (CAUTION: Any area of seasonally wet hydric soil is a potential wetland - please consult the Soil Survey and list of hydric soils for your County, available at your county's Soil and Water Conservation District.

If you have any questions about Section 401 water quality certification, please contact the Ohio Environmental Protection Agency, Section 401 Coordinator.)

U.S. Army Corps of Engineers (Section 404 regulation):
Huntington, WV District (304) 399-5210 (Muskingum River, Hocking River, Scioto River, Little Miami River, and Great Miami River Basins)
Buffalo, NY District (716) 879-4191 (Lake Erie Basin)
Pittsburgh, PA District (412) 395-7154 (Mahoning River Basin)
Louisville, KY District (502) 315-6733 (Ohio River)

Ohio EPA 401/404 and non-jurisdictional stream/wetland coordinator can be contacted at (614) 644-2001 (all of Ohio)

At the time of inspection, what appeared to be a wetland located behind Detroit Diesel and down slope of a disturbed area was being filled in by runoff from the disturbed area. Contact the Huntington Office of the Army Corps for information on how to proceed.

2. Part III.G.2.b.i (Table 1) of the permit requires that permanent stabilization be applied to areas at final grade within 7 days of the last disturbance. Permanent stabilization is defined as the establishment of permanent vegetative cover, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control.

Table 1: Permanent Stabilization:

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the state and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

At the time of inspection, the large lot directly behind Detroit Diesel required immediate stabilization. We recommend the area be tilled, seeded, and straw applied immediately to prevent any further runoff from the area.

3. Part III.G.2.d.iv. of the permit states that sediment control practices must minimize the amount of sediment entering an active storm drain system, unless the system drains to a sediment settling pond.

At the time of inspection, the only catch basin observed on site was below grade of the rest of the site and required clean out. We do not recommend straw bales as a storm water control. Instead, consider utilizing a dandy bag or similar practice to minimize additional sediment entering the drain.

4. 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).

At the time of inspection, the entrance on the active site was ineffective at limiting track out off site. Install a proper construction entrance as outlined in ODNR's 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.

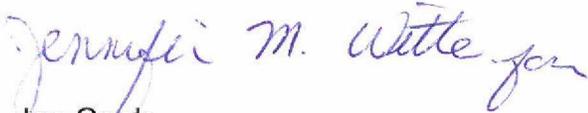
During the inspection, several areas of silt fence required repair, and as was discussed with Dean Nicolozakes the silt fence downslope of the infiltration ditches was not properly installed. Repair any damaged silt fence and move the silt fence near the infiltration ditches down slope to prevent sediment from running off site.

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 Aaron Wolfe at (740) 380-5277.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer M. Witte". The signature is written in a cursive style and is positioned above the typed name.

Joe Cook
Storm Water Section
Division of Surface Water

JC/dh