



**Environmental  
Protection Agency**

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

August 24, 2012

**Re:** Jefferson County  
Hollow Rock Facility Cell 3  
Construction and Reclamation Area  
Storm Water Construction Activity  
Notice of Violation  
Permit 0GC01729\*AG

Mr. Joe Doraski  
Firstenergy Generation Corp.  
76 S. Main Street  
Akron, Ohio 44308

Mr. Tom Fanning  
Fay Construction  
P.O. Box 66  
Russellton, PA 15076

On August 1, 2012, I visited your site on State Route 213. 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:**

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.

**At the time of inspection, an area downslope of the soil waste pile was graded in such a way as to bypass the sediment settling pond. Grade the channel to correct this issue as soon as possible.**

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 cursive script that reads "Jennifer M. Witte for Joe Cook". The signature is written in black ink and is positioned above the typed name and title.

Joe Cook  
Storm Water Section  
Division of Surface Water

JC/dh