



Environmental
Protection Agency

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

August 27, 2012

Re: Scioto County
Busham Mullins Duplex Apartments
Construction Stormwater
Notice of Violation/No Permit

Mr. John Mullins
Mullins Construction Company, Inc.
P.O. Box 163
Wheelersburg, Ohio 45694

Dear Mr. Mullins:

On July 25, 2012 I responded to a complaint on Pirate Drive and found your site to be the cause of the complaint. At the time of inspection, our records did not indicate that you had filed for coverage under the General Storm Water NPDES Permit for Construction Activities. Coverage under a storm water permit is required when any clearing, grading, excavating, grubbing or filling activities result in the disturbance of 1 or more acre of land or if your site is a parcel within a development that, as a whole, disturbs 1 or more acre of land. Discharge of pollutants, including silt, to waters of the State is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) Permit.

Since the site visit, we have received your Notice of Intent. However, we feel that the silt fence used along Pirate Drive is inadequate for the flow it is receiving. Additionally, silt was observed in the ditch down slope from the project and silt was observed on Pirate Drive, both from site discharge and vehicle tracking. Consult ODNR's Rainwater and Land Development manual for alternatives to the silt fence and how to properly construct a construction site entrance to limit off site tracking. Repair the silt fence that runs parallel to the downslope ditch to prevent sediment from entering the ditch.

Storm Water Pollution Prevention Plans (SWP3) - The general permit requires development of a storm water pollution prevention plan emphasizing storm water best management practices (BMPs). The plan has three main components: (1) sediment and erosion control, (2) non-sediment pollution controls and (3) post-construction storm water management and pollution control. This plan must be retained on site at all times and can be reviewed by the Ohio EPA at any time. Ohio EPA may require revisions to the plan before it can be implemented. The plan must be implemented upon commencement of construction activities. The SWP3 must be designed to protect the physical, chemical and biological function of waters of the state and assure that there is no impact to stream channel morphology, hydrology and water quality.

We look forward to your timely action on these requirements to prevent further downstream degradation and to ensure compliance with state laws and federal regulations.

If you have any questions, please feel free to contact Aaron Wolfe at (740) 380-5277.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer M. White for". The signature is written in a cursive style.

Joe Cook
Storm Water Coordinator
Division of Surface Water

JC/dh