



**Environmental
Protection Agency**

Mike DeWine, Governor
Paul Pappas, Lt. Governor
Scott M. Smith, Director

September 4, 2012

Lyndon Miller
Lyndon Miller Poultry Farm
4115 Penchem Road
Guthrie, Kentucky 43334

**Re: Second Notice of Violation at Lyndon Miller Poultry Farm / Knox County
Permit Number: 4GC03817*AG**

Dear Mr. Miller:

This letter is written in follow-up to a construction storm water inspection by Brittany Turner of the Ohio EPA, at Lyndon Miller Poultry Farm located at 7376 Bryant Road, Fredericktown, Ohio on August 21, 2012. The purpose of the inspection was to evaluate compliance with Ohio EPA's General Storm Water Permit Associated with Construction Activities. During the inspection, we noted the following:

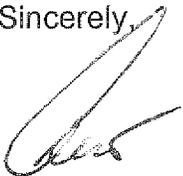
Sediment and Erosion Controls

- This site appears to be void of any sediment controls. The General Permit states that all sediment controls must be implemented prior to initial grading of the site. Please implement these controls immediately to ensure compliance with the General Storm Water Permit (See Figure 1 & 2).
- During the inspection, it was noted that the temporary riser was not effectively sealed to the outlet structure. This results in the elimination of all effective sediment storage. Corrective measures must be taken to seal the riser to the outlet structure to ensure ponding. The riser must be set to an elevation to accommodate the required storage of 67 cubic yards per acre of drainage (See Figure 3)
- Our staff observed an area of concrete disposal that lacked proper containment (See Figure 4). If future onsite disposal is required, containment measures such as a pit impoundment is expected.

- Sediment controls for this project must be implemented in accordance with the General Storm Water Permit. Silt fencing must be implemented along the contour and control areas where sheet flow is present. The silt fence must be trenched in otherwise proper reinstallation will be required. Sediment traps must be utilized for areas of concentrated flow and must be sized with a required sediment storage volume per the General Permit. These sediment impoundments will require cleaning once they have exceeded 50 percent of their capacity. Please be aware that the General Permit indicates that all sediment controls will be inspected and maintained every seven days or within 24 hours of a precipitation event equal to or greater than 0.5 inches. A log of inspection must be maintained on site for the agency to review (See Figure 5)
- Be aware the General Permit states that all barren areas which remain idle in excess of 21 days must be protected from erosion within seven days of the last earth disturbing activities. In addition, erosion protection must be implemented for all areas of final grade within seven (7) days
- **This is the second request regarding the failed controls on this site; failure to comply with the conditions of the General Storm Water Permit may result in escalated enforcement by the agency if action is not taken fourteen (14) days after the recite of this letter.**

If you have any questions regarding this letter or the inspection, please do not hesitate to call me at our Central District Office at (614) 728-3844 or email at harry.kallipolitis@epa.state.oh.us. In addition, please provide a written response (**email preferred**) to the action items addressed above within ten days from receipt of this letter. A follow up inspection will be conducted to ensure the minimum conditions of the General Permit have been met.

Sincerely,



Harry Kallipolitis
Storm Water Coordinator
Division of Surface Water
Central District Office



Figure 1 requires proper sediment controls in order to be in compliance with the Ohio EPA's General Storm Water Permit.

Lyndon Miller Photos
Kokosing River Watershed
Photo by: Brittany
8/21/2012

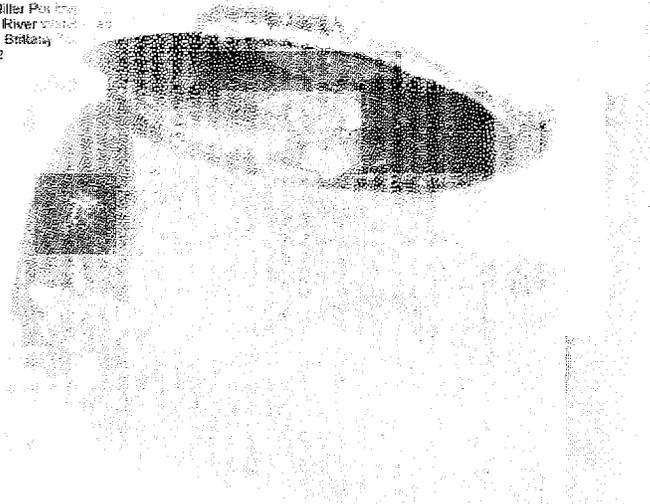


Figure 2 requires proper sediment controls in order to be in compliance with the Ohio EPA's General Storm Water Permit.

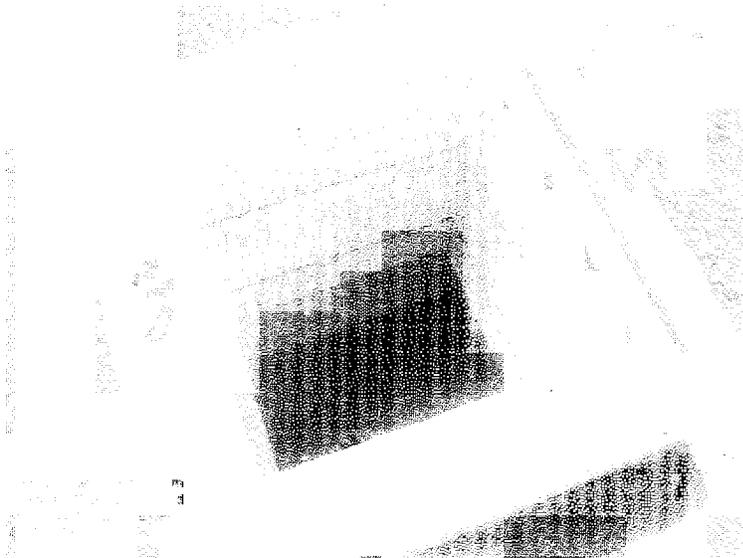


Figure 1 Riser must be properly sealed



Figure 4 Concrete washout must be established

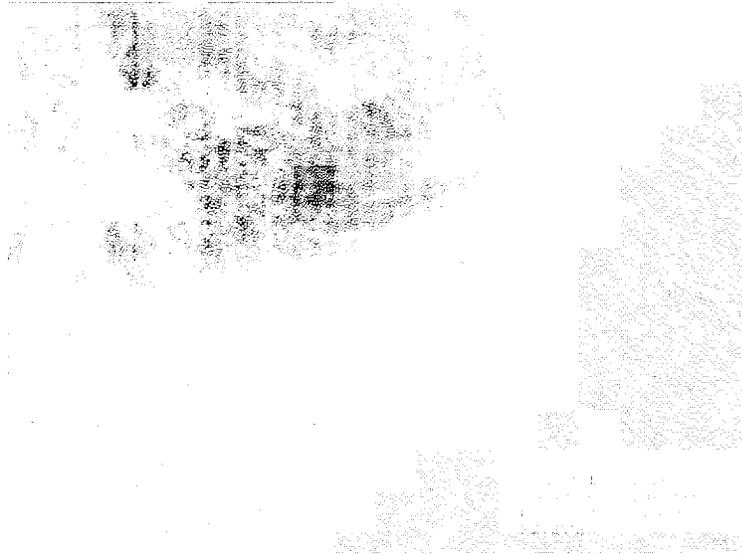


Figure 5 Silt fence must be installed