



**Environmental
Protection Agency**

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

October 4, 2012

RE: HOLMES COUNTY
MILLER-HOPE CONDOMINIUM DEVELOPMENT
NPDES PERMIT NO. OHC000003
OHIO EPA PERMIT NO. 3GC05169*AG
CONSTRUCTION STORM WATER INSPECTION

CERTIFIED AND REGULAR MAIL

Roy Miller
Miller-Hope Development Co., LLC
5156 S Kohler Road
Apple Creek, OH 44606

NOTICE OF VIOLATION

Dear Mr. Miller:

On September 12, 2012, Ohio EPA conducted a storm water inspection at Miller-Hope Condominium Development aka the Cove, located at 4870 Township Road 403, Walnut Creek Township, Holmes County (site). During the inspection, I was accompanied by Kraig Bucklew of the Holmes County General Health District. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GC05169*AG. The inspection documented the following violations:

Storm Water Inspection

- No erosion and sediment best management practices (BMP) have been installed to prevent the discharge of sediment to the onsite stream. Diversion channels and erosion gullies discharge untreated sediment-laden storm water runoff to "waters of the State." Sediment deposition was observed within the onsite stream. Properly designed sediment settling ponds must be installed on the western portion of the site.

The failure to install appropriate erosion and sediment controls constitute violations of Ohio Revised Code (ORC), Chapter 6111.07, and and Part.III.B and Part III.G.2.c of the General Storm Water Permit.

- No stabilization of portions of the site that have remained idle for longer than twenty-one days. Seeding and mulching must be implemented on all idle areas of the site.

The failure to temporarily stabilize idle areas of the site constitute violations of ORC 6111.07 and Part III.G.2.b.i of the General Storm Water Permit.

- A sediment detention basin has been constructed in the southeastern portion of the site that has not been modified for sediment removal. A properly designed dewatering skimmer must be installed on the outlet structure. In addition, a catch basin has been installed within the basin, which appears to drain the sediment detention basin directly into the culverted onsite stream.

The failure to provide structural practices to control erosion and trap sediment from a site remaining disturbed for more than fourteen days constitute violations of ORC 6111.07 and Part III.B and Part III.G.2.c of the General Storm Water Permit.

- Untreated sediment-laden storm water runoff is discharging directly into the undisturbed stream channel that has been bypassed via the stream culvert on the south eastern portion of the site. A properly designed sediment settling basin must be installed to treat sediment prior to a discharge to "waters of the State."

The failure to provide proper dewatering BMPs constitute violations of ORC 6111.07 and Part III.G.2.g.iv of the General Storm Water Permit.

- Concrete washout was being disposed of in an area that discharges directly to the onsite stream. Concrete washout must be performed in a contained area to prevent the discharge of pollutants to "waters of the State."

The failure to prevent liquid waste from being discharged constitutes a violation of ORC 6111.07 and Part III.G.2.g.i of the General Storm Water Permit.

- Ohio EPA could not determine how the post-construction storm water management requirements of the General Storm Water Permit will be satisfied on the site (i.e. sediment detention basin and the storm sewer system along the roadway serving the eastern portion of the site). Information must be submitted that details the design of post-construction BMPs and includes all necessary calculations (i.e. dewatering time, drainage areas, sizing calculations, etc.).

Via previous NOV's, Ohio EPA requested information to be submitted to determine compliance with the post-construction storm water management requirements of the General Storm Water Permit. As of the date of this NOV, Ohio EPA has not received the requested information.

The failure to submit information required to determine compliance with the General Storm Water Permit constitutes violations of ORC 6111.07 and Part V.E of the General Storm Water Permit.

Storm Water Pollution Prevention Plan

- In accordance with Part II.C.2 of the General Storm Water Permit, Ohio EPA requests a copy of the site's storm water pollution prevention plan (SWP3) to be submitted for review within ten days of receiving this notice of violation. In addition, the SWP3 must include information detailing how Part III.G.2.e of the General Storm Water Permit will be satisfied.

Via previous Notices of Violation (NOV), Ohio EPA requested a copy of the SWP3 to be submitted within ten days. On August 9, 2012, Ohio EPA received a copy of the site's SWP3. Via a letter date August 27, 2012, Ohio EPA notified Harry Matter of Civil Design Associate, Inc. of the SWP3 deficiencies that must be addressed with ten days. As of the date of this NOV, Ohio EPA has not received a copy of the revised SWP3.

The failure to submit a copy of the site's SWP3 to Ohio EPA within ten days of a request constitutes a violation of ORC 6111.07 and Part III.C.2.b of the General Storm Water Permit.

Inspection Records

- Part III.G.2.i of the General Storm Water Permit establishes inspection frequencies that must be satisfied.

Via a January 18, 2012 NOV, Ohio EPA requested copies of all the inspections that have been performed in accordance with Part III.G.2.i of the General Storm Water Permit for calendar year 2011. As of the date of this NOV, Ohio EPA has not received the requested information.

The failure to submit information required to determine compliance with the General Storm Water Permit constitutes violations of ORC 6111.07 and Part V.E of the General Storm Water Permit.

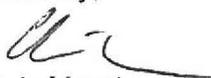
Corrective Action

Within ten days of receiving this NOV, the following information must be submitted to Ohio EPA for review:

- A copy of the site's revised SWP3;
- Information must be submitted that details the design of post-construction BMPs and includes all necessary calculations (i.e. dewatering time, drainage areas, sizing calculations, etc.);
- Copies of all the inspection reports for calendar year 2011 and 2012; and
- A report detailing the corrective action(s) that will be or have been implemented to address all of the violations detailed above. The report must include dates when each corrective action(s) has been or will be implemented and completed.

This letter serves to inform you that Ohio EPA intends to pursue formal enforcement against the site, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation, in order to resolve the continuing violations. Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via e-mail at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/cs

cc: Miller-Hope Development Co., LLC
Willis Schlabach
Harry Matter, President, Civil Design Associates

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Roy Miller
Miller-Hope Development Co., LLC
5156 S Kohler Road
Apple Creek, OH 44606

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
X [Handwritten Signature]

B. Received by (Printed Name) C. Date of Delivery
LEANNNA MILLER 10-9-12

D. Is delivery address different from item 1? Yes
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 Certified Mail Express Mail
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2. Article Number
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