



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

October 10, 2012

**Re:** Pike County  
 Waverly Urgent Care & Specialty Center  
 Storm Water Construction Activity  
 Notice of Violation  
 OGC01596\*AG

Mr. Justin Clark  
 Southern Ohio Medical Center  
 1805 27th Street  
 Portsmouth, Ohio 45662

Dear Mr. Clark:

On June 18, 2012, I visited your site on West Emmitt Avenue. 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.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 project appeared to be complete. However, the hydro-seed that was applied did not meet ground cover requirements. Final stabilization had not been achieved. We recommend reapplication of hydro-seed or top soil seed and straw to meet final stabilization requirements.**

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 me at (740) 380-5277

Sincerely,



Aaron Wolfe  
Storm Water Section  
Division of Surface Water

AW/dh