



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

November 28, 2012

RE: HOLMES COUNTY
AUTUMN RUN APARTMENTS
NPDES PERMIT NO. OHC000003
OHIO EPA PERMIT NO. 3GC05482*AG
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Glenn Schultz and Art Smith
Woda Construction, Inc.
229 Huber Village Blvd.
Westerville, OH 43081

Dear Mr. Schultz and Mr. Smith:

On October 23, 2012, Ohio EPA conducted an inspection of Autumn Run Apartments, located on County Road 58, Hardy Township, Holmes County (site). The site was represented by Ronn Ross of Woda Construction, Inc. and Scott Edwards of Edwards Painting, Inc. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC05482*AG. The inspection documented the following violations:

Storm Water Inspection

- Many of the erosion and sediment best management practices (BMP) installed on the site (i.e. silt fence) are not functioning and require maintenance. The County Road 58 roadside ditch on onsite stream had been impacted from the discharge of untreated sediment-laden runoff. Deposited sediment was observed within both the roadside ditch and the onsite stream. **The failure to maintain functional BMPs during construction constitute violations of Ohio Revised Code (ORC), Chapter 6111.07(A), Ohio Administrative Code (OAC), 3745-1-04(A), and Part III.G.2.d.i of the General Storm Water Permit.**
- The outlet structures of the sediment settling ponds have not been modified to include a skimmer or riser pipe designed to dewater the dewatering zone with a minimum 48-hour drain time. In addition, outlet protection is required to be installed on the sediment settling ponds to prevent erosion from occurring. **The failure to properly design and install sediment settling ponds constitutes violations of ORC 6111.07(A) and Part III.G.2.d.ii of the General Storm Water Permit.**
- Temporary stabilization is required on numerous portions of the site that, based upon the erosion gullies, have remained idle for an extensive period of time. Mr. Ross stated that temporary stabilization is expected to be completed by October 26, 2012. **The failure to perform stabilization constitutes violations of ORC 6111.04 and Part III.G.2.b of the General Storm Water Permit.**

- White paint was discharged directly into the onsite storm sewer system and directly into the onsite stream. Mr. Ross and Mr. Edwards were shown where the discharges were occurring and were also informed that the paint must be remediated and employees must properly dispose of any excess/unused paint. **The unpermitted discharge of wastewater (i.e. paint and rinse waters) to "waters of the state" constitutes violations of Ohio Revised Code (ORC), Chapter 6111.04 and Part III.G.2.f of the General Storm Water Permit.**
- It appears that a portion of the site's roadway discharges directly into the County Road 58 roadside ditch. Post-construction BMPs must be properly designed and installed to address the water quality volume from the portion of the roadway that discharges directly into the County Road 58 roadside ditch.
- A copy of the site's post-construction BMP detail drawings and operation maintenance plan must be submitted to Ohio EPA for review.

Within ten days of receiving this notice of violation, a written report detailing the corrective actions that have been or will be implemented to address the above items must be submitted to Ohio EPA. 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: Ron Russ, Woda Construction, Inc.
Scott Edwards, Edwards Painting, Inc.
Chuck Garvic, Chadan Engineering

ec: Glenn Schultz, Woda Construction, Inc.