



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

December 3, 2012

CERTIFIED MAIL

Mr. Doug Evans
Evans Landscaping, Inc.
4229 Round Bottom Road
Cincinnati, OH 45244

**RE: Evans Landscaping, Inc.
NPDES Permit No. OH141003 / 1IN00298*AD
Compliance Evaluation Inspection and Notice of Violation**

Mr. Evans:

On November 15, 2012, Mike Zimmerman and I conducted an NPDES Compliance Evaluation Inspection at Evans Landscaping, Inc. Anthony Muto and you were present for the facility. The purpose of the inspection was to evaluate compliance with the terms and conditions of the facility's NPDES Permit.

A copy of the Compliance Evaluation Inspection report is enclosed. Numerous areas evaluated (Section C) received "Unsatisfactory" ratings, including Self-Monitoring Program, Records and Reports, Compliance Schedule, and Effluent and Receiving Water.

As stated in the Certified Mail letter that was sent to your attention on July 25, 2012, Evans Landscaping, Inc. has been under an NPDES Permit for storm water discharges since July 1, 2011. Discharge Monthly Monitoring Reports (DMRs) are required to be submitted to Ohio EPA. However, Evans Landscaping has failed to submit any DMRs since the permit became effective on July 1, 2011. Please be advised that failure to comply with the monitoring or reporting requirements of your NPDES Permit may be cause for enforcement action pursuant to the Ohio Revised Code Chapter 6111.

In addition, the NPDES Permit for Evans Landscaping contains an Industrial Storm Water Construction Schedule. This schedule calls for required actions to be completed by Evans Landscaping at intervals of 6, 12, 18, 32 and 36 months from the effective date of the permit. The first two construction milestones have not been met. This is also a violation of your NPDES Permit and may be cause for enforcement action pursuant to the Ohio revised Code Chapter 6111.

Evans Landscaping, Inc.

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The Effluent/Receiving Waters category received an "Unsatisfactory" rating due to the dark color of the discharge from the large storm water retention pond (Outfall 001) which was discoloring the waters of the Little Miami River. This constitutes a violation of Ohio Administrative Code 3745-33-04(A), which contains general water quality criteria that apply to all surface waters. These criteria state that all waters shall be free from sludge, floating debris, oil and scum, color and odor producing materials, substances that are harmful to human, animal or aquatic life, and nutrients in concentrations that may cause algal blooms. See pictures attached at the end of the report.

The storm water monitoring and reporting requirements contained in Part IV of the NPDES Permit also required Evans Landscaping to prepare a Storm Water Pollution Prevention Plan (SWP3) within 6 months of the effective date of the permit. Within 12 months of the effective date, Evans Landscaping Inc. was required to implement and be in compliance with the terms of the plan. Does Evans Landscaping have a SWP3? If so, please include a copy of it with your response letter. If not, within 60 days of this letter, Evans must submit a SWP3 to Ohio EPA.

Evans Landscaping Inc. must immediately start sampling as required by the NPDES Permit. Please refer to the permit for specific sampling requirements.

You are also required to respond to this Notice of Violation by December 17, 2012, detailing the actions you intend to take to meet the reporting requirements of the permit. Also provide a status report on the submittal of a PTI Application for improvements to the treatment systems.

If you have any questions, please contact me by phone at (937) 285-6028 or by e-mail at michelle.waller@epa.state.oh.us.

Respectfully,



Michelle Waller
Environmental Specialist II
Division of Surface Water

MW/tb

Enclosures

cc: Anthony Muto, Evans Landscaping, Inc.



State of Ohio Environmental Protection Agency
Southwest District Office

NPDES Compliance Inspection Report

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
1IN000298*AD	OH0141003	11/15/2012	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Evans Landscaping, Inc. 4229 Round Bottom Road Cincinnati, Ohio 45244	10:45AM	7/1/2011
	Exit Time	Permit Expiration Date
	12:30PM	6/30/2012
Name(s) and Title(s) of On-Site Representatives	Phone Number(s)	
Doug Evans- Owner Anthony Muto	(513) 271-1119 (513) 271-1119	
Name, Address and Title of Responsible Official	Phone Number	
Doug Evans, Owner 4229 Round Bottom Road Cincinnati, Ohio 45244	(513) 271-1119	

Section C: Areas Evaluated During Inspection					
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)					
S	Permit	N	Flow Measurement	N	Pretreatment
U	Records/Reports	N	Laboratory	U	Compliance Schedule
S	Operations & Maintenance	U	Effluent/Receiving Waters	U	Self-Monitoring Program
S	Facility Site Review	N	Sludge Storage/Disposal	N	Other
N	Collection System				

Section D: Summary of Findings (Attach additional sheets if necessary)	
See attached letter.	
Inspector	Reviewer
 Michelle Waller Division of Surface Water Southwest District Office	 Martyn Burt Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office
12/31/12 Date	12/4/12 Date

Storm Water Outfall 001 – November 15, 2012:

