



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

December 13, 2012

Mike Winchell
M/I Homes of Central Ohio
3 Easton Oval, Suite 540
Columbus, OH 43219

**Re: Notice of Violation
Cherry Landing / Franklin County**

Dear Mr. Winchell:

This letter is written in follow-up to a construction storm water inspection that I conducted on December 11, 2012, at Cherry Landing, located in Canal Winchester. The purpose of the inspection was to evaluate compliance with the General Storm Water Permit Associated with Construction Activities. There were numerous new homes under construction during my site inspection. Please consider this a formal notice of violation. During the inspection, I noted the following:

Sediment and Erosion Controls

- The active home sites needed to have the erosion controls installed and maintained. The straw wattles and storm water drain filter bags were in need of repair or replacement. Mud was being tracked on to the road. Please see attached pictures.
- Please 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.
- The General Permit requires the permittee to conduct inspections of all sediment and erosion controls every seven days or within 24 hours of a rain event equal to or greater than 0.5 inches. A log of the inspections and resulting corrective actions must be maintained on site available for review. All earth disturbing activities must be clearly documented in your inspection reports to ensure the temporary or permanent stabilization requirements are not violated.
- If any portion of the construction site or lot was sold and the erosion control responsibility was transferred to the new owner of the lot, then an individual lot notice of intent must be submitted to the Agency. This application may be obtained at the following weblink:
<http://www.epa.state.oh.us/dsw/storm/stormform.aspx>.

- Your contractors will need to complete and submit a construction storm water co-permittee notice of intent application. This application may be obtained at the following weblink: <http://www.epa.state.oh.us/dsw/storm/stormform.aspx>. Your contractors are considered an operator per the construction permit. "Operator" means any party associated with a construction project that meets either of the following two criteria:
 1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
 2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions). As set forth in Part II.A, there can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.

If you have any questions regarding this letter or the inspection, please do not hesitate to contact me at our Central District Office at (614) 728-3851.

Sincerely,



Gregory L. Sanders
Environmental Specialist
Division of Surface Water
Central District Office

ec: Greg Sanders, DSW/CDO

GS/nm Cherry Landing, December 11, 2012



