



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

December 18, 2012

RE: HOLMES COUNTY  
HOLMES CO AIRPORT RUNWAY 9-27  
RELOCATION & EXTENSION  
NPDES PERMIT NO. OHC000003  
OHIO EPA PERMIT NO. 3GC06131\*AG  
CONSTRUCTION STORM WATER

**NOTICE OF VIOLATION**

Greg Petersen  
Fechko Excavating, Inc.  
865 West Liberty Street, Suite 120  
Medina, OH 44256

John Byler, President  
Holmes County Airport Authority  
2 Court St, Suite 21  
Millersburg, OH 44654

Brian Crosier  
Stantec, Inc.  
1500 Lake Shore Drive, Suite 100  
Columbus, OH 43204

Dear Mr. Petersen, et al:

On December 3, 2012, Ohio EPA conducted an inspection of the Holmes Co. Airport Runway 9-27 Relocation & Extension, located at 4501 Township Road 307, Hardy Township, Holmes County (site). The site was represented by Mr. Petersen and Tom Smithberger of Fechko Excavating, Inc. and David Coyle of Coyle SWPPP Professionals. 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. 3GC06131\*AG. The inspection documented the following violations:

**Storm Water Inspection**

- Portions of the site do not have any best management practices (BMP) installed to prevent the discharge of sediment-laden runoff to "waters of the state." These areas include:
  - i. The construction entrance area (Figure 1); and
  - ii. The eastern portion of Proposed Runway 9-27 (Figures 2 to 3).

Appropriate BMPs must be installed to prevent the offsite discharge of sediment-laden runoff to "waters of the state." **The failure to provide sediment basins and perimeter**

**sediment barriers prior to grading and within seven days from the start of grubbing constitute violations of Ohio Revised Code (ORC), Chapter 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.**

- Employees were observed installing silt fence within the borrow area (Figure 4). Many sections of the installed silt fence had not been properly backfilled to prevent the discharge of sediment-laden runoff to “waters of the state” and were not functional (Figures 5 to 6). **The failure to have sediment control structures functional throughout the course of earth disturbing activity constitutes violations of ORC 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.**
- Silt fence needs maintenance in various portions of the site:
  - i. Silt fence installed adjacent to the outfall of the existing storm water discharge pipe must be extended parallel to the outlet protection (Figure 7);
  - ii. Silt fence was driven over by construction vehicles west of the borrow area and the conveyance channel (Figure 8); and
  - iii. Silt fence must be repaired where utilities were extended.
- Temporary stabilization is required to be performed within seven days of the last disturbance on all areas of the site that are to remain idle for twenty-one days or longer (Figure 9). Mr. Petersen explained that construction activities on the new runway have been completed as the eastern portion of “Proposed Runway 9-27” has reached grade. Temporary stabilization is required to be performed. Mr. Petersen explained that performing temporary stabilization was an unnecessary cost as Phase 2, once approved, will authorize the paving of “Proposed Runway 9-27.”
- The sediment settling pond has not been constructed in accordance with Ohio Department of Natural Resources’ *Rainwater and Land Development* manual and must be modified to include a properly designed overflow structure (Figure 10).

#### **Co-Permittee Notice of Intent**

Part II.A of the General Storm Water Permit requires that if more than one operator will be engaged at a site, each operator shall seek coverage under this general permit. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee.

Part VII.O of the General Storm Water Permit defines “operator” as 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 Storm Water Pollution Prevention Plan (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).

After discussing site responsibilities associated with the SWP3, it appears that the Holmes County Airport Authority and Stantec, Inc. qualify as operators for the site. Ohio EPA records do not indicate that these operators have submitted a Co-Permittee Notice of Intent (NOI) application. As a result, Holmes County Airport Authority and Stantec, Inc. each must submit a Co-Permittee NOI application within ten days of receiving this correspondence. For your convenience, the Co-Permittee NOI application can be obtained from the "Forms and General Permits" tab on the following website:

<http://epa.ohio.gov/dsw/storm/index.aspx>

**Storm Water Pollution Prevention Plan**

Via a letter dated November 16, 2012, Ohio EPA notified Mr. Peterson of the SWP3 deficiencies and required a revised SWP3 to be submitted for review. As of the date of this Notice of Violation, Ohio EPA has not received a copy of the revised SWP3. **The failure to submit a revised SWP3 constitute violations of Ohio Revised Code, Chapter 6111.07 and Part III.C.3 of the General Storm Water Permit.** The site's SWP3 must be revised to address the current conditions of the site, including the installation locations of additional BMPs. In accordance with Part III.C.2.b of the General Storm Water Permit, a copy of the revised SWP3, post-construction storm water management practices design calculations, and the O&M plan must be submitted to my attention within ten days of receiving this correspondence.

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](mailto:chris.moody@epa.ohio.gov).

Sincerely,

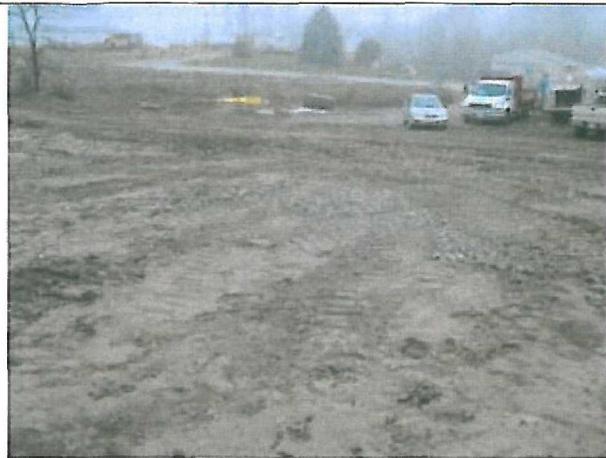


Chris Moody  
Environmental Specialist II  
Division of Surface Water

CM/cs

Cc: David Coyle, Coyle SWPPP Professionals

Ec: Greg Petersen, Fechko Excavating Inc.



**Figure 1** – No BMPs have been installed within the construction entrance area.



**Figure 2** – No BMPs have been installed to prevent the discharge of sediment-laden runoff from the eastern portion of Proposed Runway 9-27.



**Figure 3** – No BMPs have been installed to prevent the discharge of sediment-laden runoff from the eastern portion of Proposed Runway 9-27.



**Figure 4** – Employees were observed installing silt fence within the borrow area.



**Figure 5** – Many sections of the installed silt fence had not been backfilled and were not functional.



**Figure 6** – Many sections of the installed silt fence had not been backfilled and were not functional.



**Figure 7** – Silt fence installed adjacent to the outfall of the existing storm water discharge pipe must be extended parallel to the outlet protection.



**Figure 8** – Silt fence was driven over by construction vehicles west of the borrow area and the conveyance channel.



**Figure 9** – Temporary stabilization is required to be performed within seven days of the last disturbance on all areas of the site that are to remain idle for twenty-one days or longer.



**Figure 10** – The sediment settling pond has not been constructed to include a properly designed overflow structure.