



Environmental
Protection Agency

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

August 20, 2012

Gene Pirko
Westport Homes of Ohio
507 Executive Campus Drive
Suite #100
Westerville, OH 43082

**Re: Notice of Violation
Chestnut Estates / Pickaway County**

Dear Mr. Pirko:

This letter is written regarding the storm water inspection that I conducted on August 8, 2012, of the construction activities of Chestnut Estates located near Commercial Point, Ohio. The Agency understands that these construction activities are covered under the General Storm Water Permit Associated with Construction Activities. Please consider this a formal notice of violation. Please be aware that this is the third notice of violation in the past 18 months. There continues to be non-compliance with your permit. If you are not in compliance with your permit during the next inspection, we will have to recommend enforcement action. Please address the following issues at the site immediately:

Sediment and Erosion Controls:

There were numerous homes under construction at the development during my inspection. The active home sites did not have erosion controls such as silt fence or straw wattles. Please install and maintain erosion controls around the active home sites. There was a lot of sediment discharging to the road. Please see attached pictures.

Please be aware that 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. Most of the active home sites were at or near final grade. Please see attached pictures.

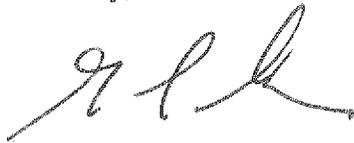
The general contractors will need to complete and submit a construction storm water co-permittee notice of intent application. This application may be obtained at the following weblink: <http://www.epa.state.oh.us/dsw/storm/stormform.aspx>. The general contractors are considered an operator per the construction 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 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 my inspection, please do not hesitate to call me at our Central District Office at (614) 728-3851.

Sincerely,

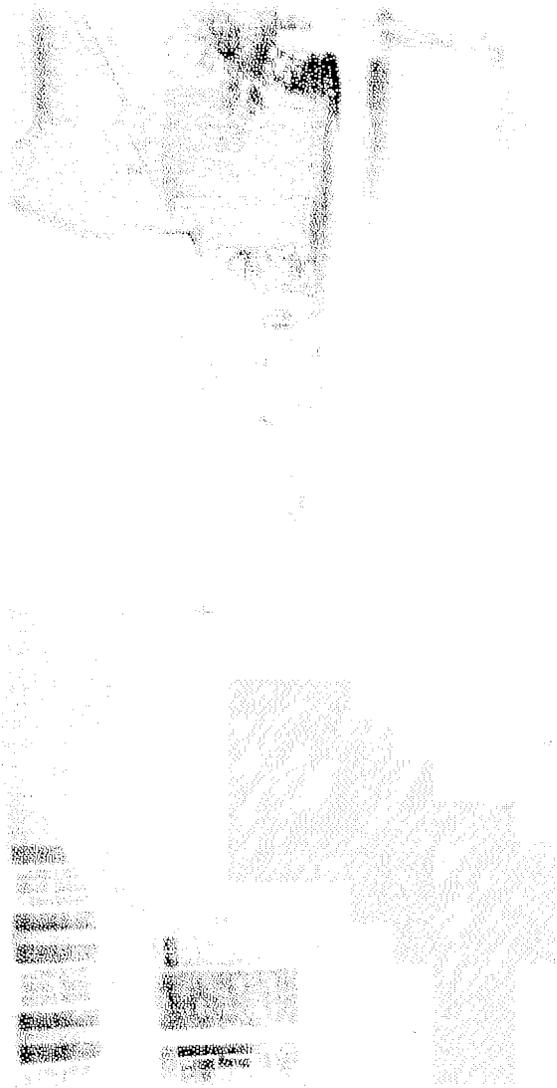
A handwritten signature in black ink, appearing to read 'GLS', written in a cursive style.

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

Enclosure

cc: Gregory L. Sanders, DSW/CDO

GLS/nsm Chestnut Estates, August 8, 2012



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