



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

February 19, 2013

Re: Adams County
DP&L Carter Hollow
Storm Water Construction Activity
Notice of Violation
0GC01604*AG

Mr. John Hendrix
DP&L Stuart Station
745 US Route 52
Aberdeen, Ohio 45101

Mr. Harry McCann
DP&L Stuart Station
745 US Route 52
Aberdeen, Ohio 45101

Dear Sirs:

On January 9, 2013, I conducted an inspection of your project. The purpose of the inspection was to determine the compliance status of the site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

1. **Part III.G.2.b.** of the permit states that the SWP3 must make use of erosion controls that are capable of providing cover over disturbed soils unless an exception is approved in accordance with Part III.G.4. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 must provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year. Such practices may include: temporary seeding, permanent seeding, mulching, matting, sod stabilization, vegetative buffer strips, phasing of construction operations, use of construction entrances and the use of alternative ground cover.

Part III.G.2.b.i. of the permit requires that disturbed areas must be stabilized as specified in the following text below. Permanent and temporary stabilization are defined in Part VII of the Permit.

Permanent Stabilization

Any areas that will lie dormant for one year or more must be stabilized within seven days of the most recent disturbance.

Any areas within 50 feet of a surface water of the State and at final grade must be stabilized within two days of reaching final grade.

Any other areas at final grade must be stabilized within seven days of reaching final grade within that area.

Temporary Stabilization

Any areas within 50 feet of a surface water of the State and at final grade must be stabilized within two days of reaching final grade if the area will remain idle for more than 21 days.

For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State must be stabilized within seven days of the most recent disturbance within the area.

Disturbed areas that will be idle over winter must be stabilized prior to the onset of winter weather.

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

PART VII.H of the permit states. "Final stabilization" means that either: 1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of at least 70 percent cover for the area has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as the use of landscape mulches, rip-rap, gabions or geotextiles) have been employed. In addition, all temporary erosion and sediment control practices are removed and disposed of and all trapped sediment is permanently stabilized to prevent further erosion;

Portions of your site do not meet the requirements noted above. Ohio EPA recognizes that DP&L has made an effort to hydroseed and over seed the area on multiple occasions. The stabilization method first utilized, fall rains, freeze/thaw cycles, poor soils, and steep slopes have all lead to insufficient stabilization in some areas. Assess the entire site and stabilize areas that are not stabilized within 60 days of receipt of this letter. Please inform me when the stabilization requirement has been met.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact me at (740) 380-5277.

Sincerely,

A handwritten signature in black ink, appearing to read 'A Wolfe', with a long horizontal flourish extending to the left.

Aaron Wolfe
Storm Water Coordinator
Division of Surface Water

AW/dh