



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

Re: **Notice of Violation**

Erie County  
Construction Storm Water  
Ohio Veterans Home Cemetery  
Facility ID No. 2GC03280  
Hoty 250 Water Ltd. PUD  
Facility ID No. 2GC03259

April 22, 2013

Mr. Todd Hart  
Hoty Commercial Builders Ltd.  
4918 Milan Road  
Sandusky, Ohio 44870

Mr. Jim Dellinger  
Dellinger Excavating  
3691 Horn Road  
Monroeville, Ohio 44847

Dear Messrs. Hart and Dellinger:

On April 3, 2013, I inspected the Ohio Veterans Home Cemetery at 3416 Columbus Avenue, Perkins Township. The purpose of my visit was to evaluate compliance of the site with the National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with construction activity (Construction General Permit or CGP). I also observed Hoty 250 Water Ltd. PUD, located on the west side of US Route 250, approximately 2,000 feet north of Fox Road, Perkins Township. The inspections were conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111.

At the Ohio Veterans Home Cemetery, no earthwork was occurring and no construction equipment was present. I spoke with Mr. Hart by phone on April 15, 2013. He indicated that five trees had been removed last fall, but the majority of the project is anticipated to begin in the next couple of weeks. The project involves installing silt fence, extraction of grave markers for restoration and realignment, application of herbicide, the addition of topsoil and the installation of sod. When construction does commence, please remember the permit requirements for storm water management during construction, such as weekly self-inspections and the requirement to apply cover within seven days on bare soil in any areas that will sit idle for more than 21 days. Your sediment controls must be installed within seven days of grubbing and before any grading.

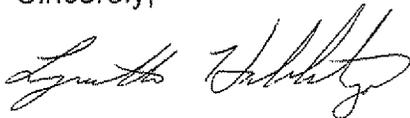
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For Hoty 250 Water Ltd PUD (Dellinger Excavating is a Co-Permittee on this project), it appeared that utilities were being installed. Sediment had tracked onto State Route 250. The permit requires that a stable (non-erodible) construction entrance be installed where vehicles/equipment access sites and that measures be implemented to minimize vehicle tracking and dust generation. *This is a violation of Part III.G.2.g.ii.* When we spoke on April 15, 2013, Mr. Hart stated that he had recently met with the contractor and discussed fixing the issue. **Within 10 days of the date on this letter, please send me written notice of the corrective actions you have taken, along with the implementation dates.**

For both projects, please note that the CGP has recently been reissued. You will be notified in the near future on how to reapply for permit coverage. Under this next generation of the permit, you will be required to temporarily stabilize any portion of the site that will remain inactive for more than 14 days (instead of 21 days).

If there are any questions, please contact me at 419-373-3009.

Sincerely,



Lynette Hablitzel, P.E.  
Division of Surface Water  
Storm Water Program

/jlm

ec: Crystal Dymond, Storm Water Program Coordinator, Erie S&WCD  
Eric Dodrill, Highway Superintendent, Perkins Township  
Jack Farschman, PE, PS, Erie County Engineer  
Tracking