



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

April 23, 2013

RE: HOLMES COUNTY  
MILLER-HOPE CONDOMINIUM DEVELOPMENT  
NPDES PERMIT NO. OHC000003  
OHIO EPA PERMIT NO. 3GC05169\*AG  
CONSTRUCTION STORM WATER INSPECTION

Roy Miller  
Miller-Hope Development Co., LLC  
5156 S Kohler Road  
Apple Creek, OH 44606

**NOTICE OF VIOLATION**

Dear Mr. Miller:

On April 11, 2013, Ohio EPA conducted a storm water inspection at Miller-Hope Condominium Development, aka the Cove, located at 4870 Township Road 403, Walnut Creek Township, Holmes County (site). Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GC05169\*AG. The inspection documented the following violations:

**Storm Water Inspection**

- During the inspection Leon Mullet, Mason, was observed dewatering a building foundation directly to "waters of the State" (Figures 1 to 4). Part III.G.2.g.iv of the General Storm Water Permit states that "there shall be no turbid discharges to surface waters of the State resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice." Mr. Mullet was instructed to immediately cease the pumping activity until a filter bag could be obtained. Mr. Mullet immediately terminated the dewatering activity.

**The turbid discharge to "waters of the State" resulting from dewatering activities constitute violations of Ohio Revised Code Chapter (ORC) 6111.07, Ohio Administrative Code Chapter 3745-1-04, and Part.III.G.2.g.iv of the General Storm Water Permit.**

- Silt fence was partially installed around a soil stockpile located adjacent to the storm water basin. Additional silt fence is required to be installed around the soil stockpile since the storm water basin has not been properly modified for sediment removal.
- Individual lot best management practices (i.e. silt fence, etc.) must be installed where construction of the new buildings are occurring.

### **Storm Water Pollution Prevention Plan**

On January 23, 2013, Ohio EPA received a revised storm water pollution prevention plan (SWP3) that provided proposed post-construction storm water management best management practices (BMP). Via a march 5, 2013 email to Civil Design Associates, Inc., Ohio EPA provided some initial comments regarding the proposed BMPs. On March 15, 2013, Ohio EPA received additional information regarding the proposed BMPs. Ohio EPA has performed a review of the proposed BMPs and have the following deficiencies that must be addressed:

- The check dams to be constructed within the swales must be revised with a concrete weir structure or other material to eliminate the pore space of the rock in order to ensure that the water quality volume is captured and treated with the appropriate drain down time.
- How will the current design of the alternative BMP (i.e. detention pond/infiltration trench) ensure that a discharge from the outfall will not occur prior to the entire well area, located below the two other perforated pipes, has been filled?
- Will a splitter box be included to ensure that a uniform flow of storm water runoff enters all three perforated pipes?
- The services of a certified soil scientist must be obtained to collect the following information regarding the alternative BMP (i.e. detention pond/infiltration trench):
  - a. Verify the depth of the high-water table;
  - b. Determine the soil types present where the alternative BMP has been installed; and
  - c. Provide the porosity and infiltration rate of the soils present where the alternative BMP has been installed.

Ohio EPA will require two soil samples to be obtained from the location where the alternative BMP has been installed. The two soil samples must be collected from the southwestern and northeastern corners of the location where the alternative BMP has been installed.

- An appropriately sized pretreatment chamber must be included. Please refer to Ohio Department of Natural Resources *Rainwater and Land Development* manual for design specifications.

In the event that you elect not to pursue the approval process for the alternative BMP (i.e. detention pond/infiltration trench), Ohio EPA recommends that you evaluate redirecting the "exist. 15" stm." from the alternative BMP (i.e. detention pond/infiltration trench) and to an appropriately designed post-construction storm water BMP, as provided within Table 2 of the General Storm Water Permit.

**Corrective Action**

Within ten days of receiving this NOV, the following information must be submitted to Ohio EPA for review:

- A copy of the information being requested in the "Storm Water Pollution prevention Plan" Section of this Notice of Violation (NOV);
- Copies of all the inspection reports for calendar year 2011 and 2012; and
- A report detailing the corrective action(s) that will be or have been implemented to address all of the violations detailed above. The report must include dates when each corrective action(s) has been or will be implemented and completed.

**This letter serves to inform you that Ohio EPA intends to pursue formal enforcement against the site, whereby violations of ORC Chapter 6111 are punishable by fines up to \$10,000 a day per violation, in order to resolve the continuing violations.** 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:ddw

cc: Harry Matter, President, Civil Design Associates



**Figure 1** - Dewatering activities associated with draining a building foundation.



**Figure 2** - Dewatering activities associated with draining a building foundation.



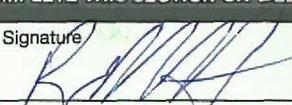
**Figure 3** - Dewatering activities discharging into "waters of the State."



**Figure 4** - "Waters of the State" immediately downstream of the dewatering activity discharge.

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