



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

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**CERTIFIED MAIL**

April 19, 2013

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

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

**NOTICE OF VIOLATION**

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 April 11, 2013, 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). 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**

- The majority of the site had failing best management practices (BMP) that were allowing sediment-laden storm water runoff to discharge directly into "waters of the State." The erosion gullies present throughout the site indicate that the BMPs (i.e. silt fence) have been failing for an extended period of time. At a minimum, sediment traps and diversion channels must be installed within the following locations:
  - a. West of the construction entrance and north of County Road 292 as concentrated storm water runoff had caused the silt fence to fail (Figure 1);
  - b. South of "Proposed Runway 9-27" at approximately Station 23+00 as silt fence was not properly installed and concentrated storm water runoff was discharging directly into a culvert to "waters of the State" (Figures 2 to 3);

- c. South of "Proposed Runway 9-27" at approximately Station 20+00 as concentrated storm water runoff had caused the silt fence to fail (Figure 4);
- d. Southwest of the culvert located at approximately Station 26+00 as concentrated storm water runoff had caused silt fence to fail (Figure 5). Sediment was observed discharging to "waters of the State" and had caused a significant amount of sediment to be deposited within the unnamed tributary of Newton's Run (Figures 6 to 8);
- e. Southeast of the culvert located at approximately Station 26+00 as concentrated storm water runoff had caused silt fence to fail (Figure 9). Sediment was observed discharging to "waters of the State" and had caused a significant amount of sediment to be deposited within the unnamed tributary of Newton's Run (Figures 6 to 8);
- f. South of "Proposed Runway 9-27" at approximately Station 35+00 as concentrated storm water runoff had caused silt fence to fail (Figure 10). Sediment was observed discharging to "waters of the State" (Figure 11).
- g. A diversion berm (Figure 12) has been constructed south of the "Proposed Runway 9-27" at approximately Station 41+00 that directs runoff south to silt fence that has failed (Figure 13). Concentrated storm water runoff was discharging sediment to "waters of the State."
- h. The southwestern portion of the "Borrow Area" as concentrated storm water runoff has caused silt fence to fail (Figure 14). Sediment was discharging to "waters of the State" (Figure 15).
- i. The southeastern portion of the "Borrow Area" as concentrated storm water runoff has caused silt fence to fail (Figure 16). Sediment was discharging to "waters of the State" (Figure 17).
- j. South of "Proposed Runway 9-27" at approximately Station 56+00 as concentrated storm water runoff has caused installed silt fence to fail (Figure 18). Sediment was discharging to "waters of the State" (Figure 19).
- k. South of "Proposed Runway 9-27" at approximately Station 59+00 as concentrated storm water runoff has caused installed silt fence to fail (Figure 20). Sediment was discharging to "waters of the State" (Figure 21).

**The failure to have functional BMPs installed to prevent erosion and the discharge of sediment to "waters of the State" constitute violations of Ohio Revised Code (ORC) Chapter 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.**

**The discharge of sediment to "waters of the State" constitutes violations of ORC 6111.07 and Ohio Administrative Code Chapter (OAC) 3745-1-04.**

- Portions of the site do not have any BMPs installed to prevent the discharge of sediment-laden runoff to "waters of the state." These areas include:
  - i. The western portion of site north of the "Proposed Runway 9-27" (Figure 22).
  - ii. The borrow area located south of "Proposed Runway 9-27" at approximately Station 36+00 (Figure 23). Concentrated storm water runoff was discharging sediment to "waters of the State" (Figure 24).
  - iii. A diversion berm has been constructed southeast of "Proposed Runway 9-27" at approximately Station 61+00 (Figure 25). Concentrated storm water was discharging sediment to "waters of the State" (Figure 26).

- iv. North of the "Proposed Runway 9-27" at approximately Station 64+00 (Figure 27). Concentrated storm water runoff was discharging sediment to "waters of the State" (Figure 28).

**The failure to provide sediment basins and perimeter sediment barriers prior to grading and within seven days from the start of grubbing constitutes violations of ORC 6111.07 and Part III.G.2.d.i of the General Storm Water Permit.**

- Silt fence was failing throughout the site and requires maintenance to be performed, at a minimum, in the following locations:
  - a. West of the "Potential Additional Borrow Area 1" (Figure 29).
  - b. South of the "Proposed Runway 9-27" at approximately Station 39+00 (Figure 30).
  - c. West of the "Abandoned Township Road 307" (Figure 31).
  - d. South of the "Proposed Runway 9-27" at approximately Station 42+00;
  - e. South of the "Proposed Runway 9-27" at approximately Station 44+00 (Figure 32). Sediment has been discharged into the wetland" (Figure 33); and
  - f. The western boundary of the "Borrow Area."
- Oil was leaking from Grader No. 1116 that was being discharged to "waters of the State" (Figure 34). Appropriate BMPs (i.e. maintenance and drip pans) must be implemented to prevent the discharge of oil to "waters of the State." **The discharge of oil to "waters of the State" constitutes violations of ORC 6111.07, OAC 3745-1-04, and Part III.G.2.g of the General Storm Water Permit.**
- 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. **The failure to perform temporary stabilization on idle areas constitutes violations of ORC 6111.07 and Part III.G.2.b.i of the General Storm Water Permit.**
- A fifty-five gallon drum of "Royal Global Gold ELC 50/50 Antifreeze" was punctured and on its side. The fifty-five gallon drum must be capped and properly disposed.

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

The site's storm water pollution prevention plan (SWP3) must be revised to address the above violations. Within ten (10) days of receiving this Notice of Violation (NOV), a copy of the site's revised SWP3 must be submitted to Ohio EPA for review.

On April 15, 2013, Ohio EPA received a copy of the mitigated post-construction storm water management BMP that is proposed for the site. On April 18, 2013, Ohio EPA discussed the mitigated post-construction storm water management BMP with Stantec, Inc. A review of the information indicates that the proposed mitigated post-construction storm water management BMP appears acceptable. A copy of the post-construction operation and maintenance plan must be submitted to Ohio EPA.

**Co-Permittee Notice of Intent**

Ohio EPA records do not indicate that Holmes County Airport Authority and Stantec, Inc. 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 (10) days of receiving this NOV. 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>

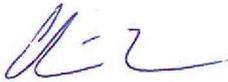
**Corrective Action**

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

- A written report that details how the above violations have been or will be addressed. The written report must also include dates detailing when each corrective action (i.e. BMP) was or will be implemented and completed;
- A copy of the revised SWP3;
- A copy of the post-construction operation and maintenance plan;
- Completed co-permittee NOIs; and
- A copy of the site inspections performed from February 1, 2003 to April 17, 2013.

**Based upon the violations, detailed above, Ohio EPA will pursue the site via formal enforcement, whereby violations of ORC 6111 are punishable by fines up to \$10,000 a day per violation.** 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: David Coyle, Coyle SWPPP Professionals  
ec: Greg Petersen, Fechko Excavating Inc. ([gpetersen@fechko.com](mailto:gpetersen@fechko.com))



**Figure 1** – Concentrated runoff was causing silt fence to fail.



**Figure 2** – Silt fence was not properly installed and concentrated storm water runoff is discharging into a culvert.



**Figure 3** – Silt fence was not properly installed and concentrated storm water runoff is discharging into a culvert.



**Figure 4** – Concentrated storm water runoff has caused the installed silt fence to fail.



**Figure 5** – Concentrated storm water runoff had caused the installed silt fence to fail.



**Figure 6** – Sediment was observed discharging to “waters of the State” and had caused significant amounts of sediment to be deposited.



**Figure 7** – Sediment was observed discharging to “waters of the State” and had caused significant amounts of sediment to be deposited.



**Figure 8** – Sediment was observed discharging to “waters of the State” and had caused significant amounts of sediment to be deposited.



**Figure 9** – Concentrated storm water runoff had caused installed silt fence to fail.



**Figure 10** – Concentrated storm water runoff had caused installed silt fence to fail.



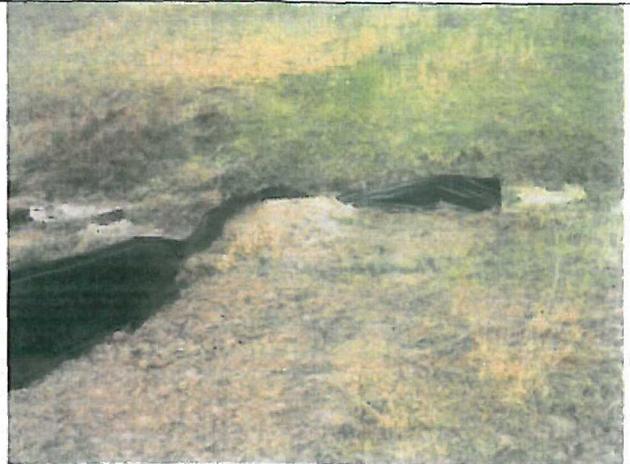
**Figure 11** – Sediment was observed discharging to “waters of the State”



**Figure 12** – A diversion berm has been constructed that directs runoff to failing silt fence.



**Figure 13** – A diversion berm has been constructed that directs runoff to failing silt fence.



**Figure 14** – Concentrated storm water runoff has caused installed silt fence to fail. Sediment was discharged to "waters of the State."



**Figure 15** – Sediment was discharged to "waters of the State."



**Figure 16** – Concentrated storm water runoff has caused installed silt fence to fail. Sediment was discharged to "waters of the State."



**Figure 17** – Sediment was discharged to "waters of the State."



**Figure 18** – Concentrated storm water runoff has caused installed silt fence to fail.



**Figure 19** – Sediment was observed discharging to “waters of the State.”



**Figure 20** – Concentrated storm water runoff has caused installed silt fence to fail.



**Figure 21** – Sediment was observed discharging to “waters of the State.”



**Figure 22** – The western portion of site north of the “Proposed Runway 9-27” had no BMPs installed.



**Figure 23** – The borrow area located south of “Proposed Runway 9-27” had no BMPs installed.



**Figure 24** – Concentrated storm water runoff was discharging sediment to “waters of the State.”



**Figure 25** – A diversion berm has been constructed southeast of “Proposed Runway 9-27” with no BMPs installed.



**Figure 26** – Concentrated storm water was discharging to “waters of the State.”



**Figure 27** – North of the “Proposed Runway 9-27” no BMPs were installed.



**Figure 28** – Concentrated storm water runoff was discharging sediment to “waters of the State.”



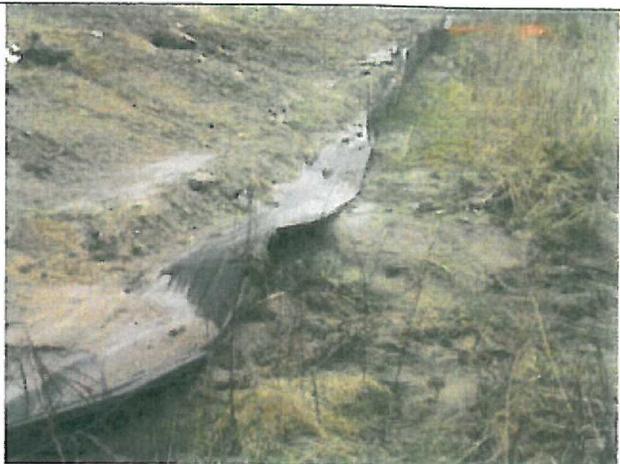
**Figure 29** – Failing silt fence was located west of the “Potential Additional Borrow Area 1.”



**Figure 30** – Failing silt fence was located south of the “Proposed Runway 9-27.”



**Figure 31** – Failing silt fence was located west of the “Abandoned Township Road 307.”



**Figure 32** – Failing silt fence was located south of the “Proposed Runway 9-27.”



**Figure 33** – Sediment has been discharged into the wetland.”



**Figure 34** – Oil was leaking from Grader No. 1116 that was being discharged to “waters of the State.”

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 Ciara Fecko  Agent  
 Addressee

B. Received by (Printed Name) Ciara Fecko C. Date of Delivery 4/23/13

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 HOLMES COUNTY AIRPORT AUTHORITY  
 2 COURT ST. SUITE 21  
 MILLERSBURG OH 44654

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 Mary Holcomb  Addressee

B. Received by (Printed Name) Mary Holcomb C. Date of Delivery 24 APR

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<p>1. Article Addressed to:                  BRIAN CROSIER                  STANTEC, INC.                  1500 LAKE SHORE DRIVE                  SUITE 100                  COLUMBUS OH 43204</p>	<p>B. Received by (Printed Name) _____ C. Date of Delivery <u>4/25</u></p>
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<p>PS Form 3811, February 2004</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p>MOODY/WAYPA 4/23/13</p> <p>102595-02-M-1540</p>