



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

May 22, 2013

Mr. Frank Bullock  
Mound Development Corp  
965 Capstone Dr.  
Miamisburg, OH 45342

**RE: Vanguard Blvd Extension Phase 2; NPDES Permit # 1GC04532\*AG;  
Construction Site Inspection**

Dear Mr. Bullock:

On Monday, May 20, 2013, I inspected the Vanguard Blvd Extension Phase 2 project, to determine compliance with its NPDES construction site storm water discharge permit. I walked the property and met with Don Herbst.

The controls installed since Ohio EPA's inspection (silt fence, rock check dams, and sediment cages around catch basins) seem to be operating properly. However, the soil along both sides of the road still remains barren and needs to be stabilized. In your last correspondence to our office you stated this would be completed by May 15<sup>th</sup>.

For that reason a Notice of Violation was issued to Mr. Herbst at the site for the following violations of the permit:

**Part II.B Soil Stabilization**

Failure to stabilize areas at final grade that have been idle more than 7 days.

**Part III.C 1 and 2**

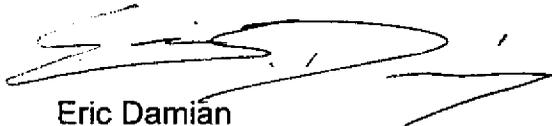
No storm water pollution prevention plan on site.

As a reminder, please note that when construction is complete, and all areas of the site have been permanently stabilized with vegetation or other ground cover, the construction permit must be terminated. A one page "notice of termination" (NOT) form found at [http://www.epa.ohio.gov/Portals/35/permits/General\\_NOT.pdf](http://www.epa.ohio.gov/Portals/35/permits/General_NOT.pdf) must be completed and sent to the address shown on page 2 of the NOT instructions.

Mr. Frank Bullock  
Mound Development Corp  
May 22, 2013  
Page 2

If you have questions regarding this letter you can contact me at 937-204-1003, or via email at [eric.damian@epa.ohio.gov](mailto:eric.damian@epa.ohio.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Damian", with a long horizontal flourish extending to the right.

Eric Damian  
Storm Water Group  
Division of Surface Water

ED/kb

Ohio EPA DSW Storm Water Section, Construction Site Visit Information Form

Inspector initials: ESL Visit date: 5/20/13 Permit # 1GCO4337\*AG

Site Name: Vanguard Blvd Extension Phase 2

Site Address: Vanguard Blvd

People contacted on site (attach business cards): Don Herbst

Their phone and e-mail: 937-339-6274

1. Did you see the following on site?

ITEM	Yes/No	Not requested	Comments
NOI		✓	
Coverage letter		✓	
SWP3	no		
Inspection records	no		available w/ Frank Bullock per Don Herbst
Contractor & Subs signature document		✓	

2. Acreage disturbed (circle): < 1 acre    >1 but <5 acres    >5 but <10 acres    >10 acres    ??

3. Site status,;    Clearing/grubbing    Rough grading    Storm sewers in    Streets in  
Utilities installed    Final grade    Final stabilization

4. Are BMPs needed on site? stabilization for areas at final grade

5. Are BMPs on site effective?    All    Some    None    No BMPS

Explain: Stabilization needed along road, no ponds, baskets placed on catch basins

rock check dams in place (no fabric), no open grate MH protection  
 (working) ↑    (north side)  
 ditch going south/southwest

6. What post construction controls are shown on the SWP3? not available

7. Were photos taken and saved? *yes*

8. Was an NOV issued? *yes*

Notes:



Division of Surface Water

# NOTICE OF VIOLATION

Date of Inspection: 5/20/13  
 To: Don Herbst 1360 S. County Rd 25-A Troy, Ohio 45373  
(Company/Individual Name) (Address) (City, State, Zip Code)

Permit # (if applicable): 1GCO4337 County: MONTGOMERY Receiving Stream Network: Great Miami River

This is to advise you that due to the circumstances noted below, you are in violation of Ohio Revised Code Chapter 6111 and the rules and regulations adopted thereunder.

Description of the violation(s): Failure to stabilize areas at final grade that have been idle for more than 7 days (Part II B page 9 of NPDES permit) No SWP3 on site (Part III C line 2).

Violations of Ohio Revised Code Chapter 6111 may be subject to civil penalties up to \$10,000 per day per violation. Citation of a violation in this notice does not preclude the existence of other violations. Notice of violation is not a final action of the Director of Environmental Protection and is not a necessary prerequisite for an individual's liability or obligation to abate the violation.

Initiation of the following actions may abate the violations noted above, however, the State of Ohio is not liable for the success or failure or consequence of any abatement action taken:

Stabilization with vegetation within 14 days.

Within 7 days of this notice of violation, information should be submitted to the appropriate Ohio EPA District Office describing exactly what actions the party will take to correct the violations cited.

This notice of violation does not prevent Ohio EPA from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the person named above for the violations cited in this notice. This notice of violation does not prevent Ohio EPA from exercising its authority to require the person named above to perform additional activities pursuant to Chapter 6111 of the Ohio Revised Code or any other applicable law in the future. This notice of violation does not limit the authority of Ohio EPA to seek relief for violations not cited in this notice.

By signing below, the party acknowledges receipt of the Notice of Violation but does not admit the fact of or liability for the violation(s) described.

Mary G Burk 5/20/13 937-285-6034  
Ohio EPA representative date phone number

CDO  NEDO  NWDO  SEDO  SWDO

Don Herbst 5/20/13 937-216-0908  
authorized representative date phone number

**SUBMIT INQUIRES TO:**  
 Ohio EPA  
 Division of Surface Water  
 P.O. Box 1049  
 Columbus, Ohio 43216-1049  
 Attn: Enforcement Coordinator

Refused to sign  
 \_\_\_\_\_  
 printed name of authorized representative

Ohio EPA Website: [www.epa.state.oh.us](http://www.epa.state.oh.us)