



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

June 5, 2013

CERTIFIED MAIL

Mr. Paul Gallenstein
Miami View Properties
25 Town Center Blvd., Suite 104
Crestview Hills, Kentucky 41017

**RE: Terrace Ridge Subdivision Section 4, Permit 1GC04401*AG
Notice of Violation**

Dear Mr. Gallenstein:

On Thursday, May 30, 2013, I inspected the Terrace Ridge Subdivision (Section 4) construction project in Union Township, Clermont County, Ohio, to determine compliance with the site's NPDES construction site storm water discharge permit. Eric Damian and James Schwieterman, who are doing summer internships with Ohio EPA, accompanied me during the inspection. No one connected to the project was present at the site at the time of this inspection.

Based on my observations, the site is not compliant with the following parts of its permit:

Part III.G.2.b.i – Stabilization

Much of the disturbed land that will not have homes constructed on it appears to be at final grade, and therefore must be stabilized per the requirements of this section (see charts on page 16 of the permit). In your written response to this letter, please explain what will be done to stabilize bare areas, either temporarily or permanently, and when the work will take place. This information was requested in the Notice of Violation you received in late April 2013.

The terrace created to the west of the cul-de-sac, with a row of silt fence at its lower edge, will help minimize the loss of eroded sediment from the site. However, the material sprayed over bare areas for stabilization purposes was not dense enough to adequately cover the ground. The material also appeared to be lacking seed, though the lack of topsoil and presence of compacted clay will likely hinder germination. Since the ideal time for spring planting has passed, the best option at this point is to apply a meaningful amount of cover material to barren areas, and then sow seed in the fall.

Part III.G.2.d – Sediment Control Practices

As mentioned above, the sloped area west of the cul-de-sac below the newly installed terrace has no sediment controls in place. In lieu of getting vegetation established, you can either cover the bare ground to minimize erosion, or install more silt fence at the base of the slope to control eroded sediment. You can do both, since moderate to heavy rains on sloped ground will inevitably carry some of the ground cover away and expose underlying soils to erosion. Strategically placed silt fence, small earthen berms or straw wattles will slow the flow of runoff down the slopes and capture at least some eroded sediment.

A newly disturbed area was observed near the recently installed rock-lined channel that connects storm sewers from Section 4 to a pond located on abutting property just north of Section 4. This area must also be stabilized, permanently if at final grade, and temporarily if it is not at final grade.

Part III.G.2.d.iv - Inlet Protection

Because of the potential for eroded sediments to enter catch basins in the newly paved street, and the lack of a downslope sediment basin or trap to contain eroded sediments, new catch basins must be blocked until bare uphill areas have been stabilized. (This assumes the existing pond mentioned above is not part of whatever passes for the project's erosion and sediment control strategy). Barren ground, now at final grade on both sides of the new street, is mostly at or a bit below the level of the curbs, which should help reduce the loss of sediment into the street. Inlet protection is still required so long as eroded sediments can leave the site. Please explain how this requirement will be met.

In addition to information requested above, please provide the following:

1. A copy of the site's storm water pollution prevention plan (SWP3). In lieu of an actual site-specific SWP3, provide only the relevant pages from the rolled construction drawings that contain information about site grading, erosion and sediment controls that, in theory, would be installed if the requirements were being taken seriously.
2. Copies of erosion and sediment control inspection records kept for the site since construction began. See page 29 of Ohio EPA's construction permit for details on what is required.
3. A copy of the permit issued by the Army Corps of Engineers which allowed part of the small creek at the base of slope west of the cul-de-sac to be filled.
4. A description of post-construction runoff best management practices that will be employed at the site. (See pages 20-25 of the permit for details).
5. Please explain how erosion and sediment control requirements will be addressed as lots are sold off and transferred to new owners.

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Please provide the requested information within 7 days of receipt of this letter. This information, save # 5, was previously requested in a notice of violation sent to you in late April 2013.

If you have questions regarding the letter, you can contact me at (937) 285-6442, or via email at chris.cotton@epa.ohio.gov.

Sincerely,



Chris Cotton
Environmental Specialist II
Division of Surface Water

CC/tb

cc: OEPA/SWDO/DSW Files

ec Larry Reeder, Enforcement Coordinator, OEPA/DSW/CO
John McManus, Clermont County Stormwater Department
Heath Wilson, P.E., Clermont County Building Department
Carl Lamping, Clermont County Building Department

