



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

June 18, 2013

Re: Perry County
Northern Perry County Water
Phase II Extensions
Storm Water Construction Activity
Notice of Violation
0GC01767*AG

Mr. Kelly Green
Perry County Commissioners
P.O. Box 248
New Lexington, Ohio 43764

Dear Mr. Green:

On May 16, 2013, I visited your sites in Somerset. The purpose of the inspection was to determine the compliance of this site with the National Pollutant Discharge Elimination System (NPDES) permit for discharges of stormwater associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. I have the following comments:

Permit Coverage:

Part III.G.2.b.i. (Table 1) of the permit requires that permanent stabilization be applied within 7 days to any area that will lie dormant for more than one year. Permanent stabilization is defined as the establishment of permanent vegetative cover, decorative landscape mulching, matting, sod, rip rap and landscaping techniques to provide permanent erosion control.

Table 1: Permanent Stabilization

Area requiring permanent stabilization	Time frame to apply erosion controls
Any areas that will lie dormant for one year or more	Within seven days of the most recent disturbance
Any areas within 50 feet of a surface water of the State and at final grade	Within two days of reaching final grade
Any other areas at final grade	Within seven days of reaching final grade within that area

At the time of inspection, construction work appeared to be complete. However, the water line right of way in question had not had seed or straw applied. The soil appeared to have been sitting for quite some time. If this is the case, then you must bring the site in compliance as soon as possible.

Sediment and erosion controls for your site must meet the guidelines and design criteria set forth in the above mentioned *Rainwater and Land Development* manual. A copy of this manual may be obtained by contacting the Ohio Department of Natural Resources, Division of Soil and Water Conservation, at (614) 265-6610.

Violators of ORC 6111 may be fined up to \$10,000 per day of violation. In addition, federal law allows for third party lawsuits for failure to comply with your NPDES permit.

Within fourteen (14) days of receipt of this letter, please submit to me at this office a written notification as to actions taken or proposed to eliminate violations of the permit. Your response should include the dates, either actual or proposed, for the completion of the actions. If you have any questions, please contact me at (740) 380-5277

Sincerely,



Joe Cook
Storm Water Section
Division of Surface Water

JC/dh