



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

June 27, 2013

Re: Tuscarawas County
 Broad Run Poultry
 Storm Water Construction Activity
 Notice of Violation
 Permit 0GC01722*AG

Mr. Matt Miller
 Broad Run Poultry LLC
 4903 Murray Road
 Dover, Ohio 44622

Dear Mr. Miller:

On June 5, 2013, I visited your site on Stoney Point Road. 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 2) of the permit requires any areas that will remain idle over the winter be stabilized prior to the onset of winter.

Part III.G.2.b.i. (Table 2) of the permit requires that any area that will lie dormant for more than 21 days, but less than a year be stabilized within 7 days of the most recent disturbance.

Part III.G.2.b.i. (Table 2) of the permit requires that any area within 50 feet of a stream that will remain dormant for more than 21 days be stabilized within 2 days of the most recent disturbance.

Table 2: Temporary Stabilization

Area Requiring temporary stabilization	Time frame to apply erosion controls
Any disturbed areas within 50 feet of a surface water of the State and not at final grade	Within two days of the most recent disturbance if the area will remain idle for more than 21 days
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the state	Within seven days of the most recent disturbance within the area For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s)
Disturbed areas that will be idle over winter	Prior to the onset of winter weather

2. Part III.G.2.b.i (Table 1) of the permit requires that permanent stabilization be applied to areas at final grade within 7 days of the last disturbance. 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.

Part III.G.2.b.i. (Table 1) of the permit requires that any areas within 50 feet of a stream and at final grade be permanently stabilized within two days of reaching final grade. 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.

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, the disturbed areas of the site appeared to be idle for longer than 21 days. Stabilize all areas of disturbed soil with seed and straw, whether at permanent or temporary grade.

3. Part III.G.1.l.ix of the permit requires areas to be designated for the storage or disposal of solid, sanitary and toxic wastes, including dumpster areas and proper areas for cement wash out and vehicle refueling.

Designate an area for poultry waste piles that will not impact the nearby stream or storm water flows in the swales along the poultry barns. The poultry waste area should be contained to prevent waste from entering any storm water flows.

4. Part III.G.2.b.ii. of the permit states that operators shall stabilize channels and outfalls to prevent erosive flows. Techniques may include seeding, mulching, erosion control matting, sodding, rip rap, or rock check dams.

Stabilize swales along poultry barns with seed and straw.

5. Part III.G.2.g.i. of the permit states that No solid or liquid waste, including building materials, shall be discharged in storm water runoff. The permittee must implement all necessary BMPs to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the State. Under no circumstance shall concrete

trucks wash out directly into a drainage channel, storm sewer or surface waters of the State. No exposure of storm water to waste materials is recommended.

Contain all poultry waste to prevent runoff from waste piles from entering the nearby creek and drainage swales.

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 Aaron Wolfe at (740) 380-5277 or myself at (740) 380-5447.

Sincerely,



Clinton Kuenzli
Storm Water Section
Division of Surface Water

CDK/dh