



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

June 27, 2013

Re: Tuscarawas County
Dollar General
Storm Water Construction Activity
Notice of Violation
Permit 0GC01894*AG

Mr. Mark Bush
New Philadelphia DG LLC
361 Summit Blvd., Suite 110
Birmingham, AL 35243

Dear Mr. Bush:

On June 4, 2013, I visited your site on the corner of East High Avenue and 16th Street in New Philadelphia, Ohio. 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:

1. 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, it appeared that the site was at final grade and the soil had not been disturbed in more than seven days. Stabilize all areas of exposed soil.

2. In accordance with Part III.G.2.d.i. and Part III.G.2.h. of the permit, all sediment control structures shall be functional throughout the course of earth disturbing activities. Sediment controls should be in place prior to the onset of construction activities and must remain in place until the entire up slope area is stabilized.

At the time of inspection, no sediment control structures were present to prevent sediment from reaching catch basins around the site and in the parking lot. Dandy bags are recommended to be placed on all catch basin grates to act as sediment controls.

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,



Clinton Kuenzli
Storm Water Section
Division of Surface Water

CDK/dh