



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

July 2, 2013

Re: Lawrence County
 Fruth Pharmacy
 Storm Water Construction Activity
 Notice of Violation
 Permit # OGC01857*AG

Mr. Jeremy Clay
 Mullins Construction Co., Inc.
 8867 Green Street, P.O. Box 163
 Wheelersburg, Ohio 45694

Dear Mr. Clay:

On June 11, 2013, I visited your site located at the intersection of State Route 141 and Shawnee Trail. 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

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, portions of your site did not meet the stabilization requirements listed above. This includes the bank on the back side of the property. This area has been subject to erosion and sediment has washed down the hill. In order to maintain compliance with the General Storm Water Permit, please stabilize these areas using proper stabilization techniques.

2. Part III.G.2.d.iv. of the permit states that sediment control practices must minimize the amount of sediment entering an active storm drain system, unless the system drains to a sediment settling pond.

At the time of inspection, sediment was washing down from the hill and onto the parking lot. This was occurring along the hill where there is no silt fence in place. The sediment that is washing onto the parking lot eventually enters a storm drain which violates the section of the permit listed above. In order to maintain compliance with the General Storm Water Permit, please:

- **Stabilize the hillside**
- **Extend the silt fence across the entire bank to ensure that all the storm drains are protected**

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,



Jared Kemper
Storm Water Section
Division of Surface Water

JK/dh