



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

July 24, 2013

Mr. Gary Osterfeld
Osterfeld Construction Inc.
6638 Wyndwatch Drive
Cincinnati, OH 45230

RE: California Yacht Club Vacant Land; NPDES Permit # 1GC04367*AG; Notice of Violation

Dear Mr. Osterfeld:

On Wednesday, July 17, 2013, I inspected the California Yacht Club Vacant Land project located at 5731-5783 Panama Street in Cincinnati, Ohio, to determine compliance with its NPDES construction site storm water discharge permits. I walked the property but did not meet with anyone on the site. I did not review sediment control inspection logs, or the site's storm water pollution prevention plan (SWPPP).

Based on my observations, the site is not in compliance with the following sections of the permit:

Part III.G.2.d Sediment Control Practices

All sediment control practices must be capable of ponding runoff in order to be considered functional.

As shown in the attached photos, there are multiple areas along the western side of the property where silt fence has failed completely. Failure in these areas is allowing eroded sediment to be carried directly into the Ohio River during rainstorms. Repair and/or replacement of nearly all silt fence is needed for the entire length of the site that borders the river. Alternative sediment controls such as shallow earthen berms or berms made of mulch, wood chips or woody debris could be useful here, but should be located where a moderate rise in the river will not carry the material away.

Part III.G.2.b Stabilization

From the looks of the site it appears that it has sat idle for some time. The permit specifies that disturbed areas be stabilized as specified in the following tables:

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

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

Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.

Corrective action in this area would benefit in greatly reducing sediment runoff from the site.

Please provide a written response to this letter by August 2, 2013 which includes the following information:

1. A copy of the site's storm water pollution prevention plan (SWPPP).
2. Copies of sediment control inspection logs kept for the site since March, 2013;
3. An explanation and timetable of measures to fix cited violations.

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As a reminder, compliance with the NPDES permit must be upheld until complete stabilization is achieved and the permit is terminated.

If you have questions regarding this letter you can contact me at (937) 204-1003, or via email at eric.damian@epa.ohio.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Damian", with a long horizontal flourish extending to the right.

Eric Damian
Storm Water Group
Division of Surface Water

ED/kb

Enclosure: Inspection Form
Inspection Photos

cc: Linda Ehlman, Metropolitan Sewer District of Greater Cincinnati
Josh Snow, Metropolitan Sewer District of Greater Cincinnati

Ohio EPA DSW Storm Water Section, Construction Site Visit Information Form

Inspector initials: ESD Visit date: 7/17/13 Permit # 16C04367*AG

Site Name: California Yacht Club Vacant Land

Site Address: 5731-5783 Panama

People Contacted On Site: none

Phone: _____ E-mail: _____

1. Did you see the following on site?

ITEM	YES	NO	Not Requested	Comments
NOI				
Coverage Letter				
SWP3				ask for in letter
Inspection Records				
Contractor & Subs signature document				

2. Acreage Disturbed: 2

3. Site Status: Clearing/grubbing Rough Grading Storm sewers in _____
 Streets in _____ Utilities installed _____ Final Grade _____ Final stabilization _____

4. Are BMPs needed: silt fence at base of river needs fixed/replaced

5. Are BMPs effective? All Some None No BMPs
 Explain: silt fence at base of dirt piles look good

6. What post construction controls are shown on the SWP3? n/a

7. Were Photos taken & saved? yes 8. Was an NOV issued? yes

Additional notes/comments:

- almost all silt fence at base of Ohio River has failed
- appear no work has taken place in a while
- most land is unstabilized

