



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

July 25, 2013

**Re:** Harrison County  
Desert - Miller 69KV Line  
Rebuild & Station Improvement  
Storm Water Construction Activity  
Notice of Violation  
Permit # OGC01861\*AG

Mr. Justin Erhard  
AEP Ohio Transmission Co.  
1 Riverside Plaza, 22<sup>nd</sup> Floor  
Columbus, Ohio 43215

Mr. Don Thompson  
Thompson Electric  
49 N Moreland Avenue  
Munroe Falls, Ohio 44262

Dear Mr. Erhard and Mr. Thompson:

On July 10, 2013, I visited your site on Dietritch 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:**

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, sections of private property located on Dietritch Road were being used as fill locations for your project. The creek running near the fill areas did not have any sediment controls protecting the water from sediment runoff. In order to maintain compliance with the General Storm Water Permit, please install silt fence along all sections of the creek that are near the fill sites.**

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.

**Technical Assistance:**

**At the time of inspection, portions of your fill sites were inactive and they may be in danger of falling out of compliance with the stabilization requirements of the General Storm Water Permit. Ohio EPA recommends that you evaluate your fill locations and make any necessary improvements in order to ensure compliance. For your reference, the stabilization sections from the General Storm Water Permit are listed below.**

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**

<b>Area requiring temporary stabilization</b>	<b>Time frame to apply erosion controls</b>
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**

<b>Area requiring permanent stabilization</b>	<b>Time frame to apply erosion controls</b>
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

If you have any questions, please contact Aaron Wolfe at (740) 380-5277 or myself at (740) 380-5447.

Sincerely,



Jared Kemper  
Storm Water Section  
Division of Surface Water

JK/dh