



Environmental Protection Agency

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

December 22, 2011

Re: Lawrence County
Limestone Community, Phase 1
Storm Water Construction Activity
Notice of Violation
0GC01042*AG
Certified Mail 70101060000178961139

Mr. Reginald Charles
A Cinema, Film and Television Company
4303 Bakman Avenue
Studio City, CA 91602

Dear Mr. Charles:

On September 26, 2011, Ohio EPA visited your site on CR-181 in Ironton. 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 storm water associated with construction activity. The inspection was conducted under the provisions of Ohio's water pollution control statutes, Ohio Revised Code (ORC) Chapter 6111. The following areas need to be addressed:

- 1. Part III.G.2.b of the permit states:

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.

The site is in an extreme state of erosion with dozens of barren areas. Sediment has filled ditches and deposited into Hog Run, a tributary of Ice Creek. Stabilize the entire site as well as soil stock piles immediately.

2. Sediment Pond

Part III.G.2.d.ii of the permit requires the following:

Sediment settling ponds: A sediment settling pond is required for any one of the following conditions:

- concentrated storm water runoff (e.g., storm sewer or ditch);
- runoff from drainage areas, which exceed the design capacity of silt fence or other sediment barriers;
- runoff from drainage areas that exceed the design capacity of inlet protection; or
- runoff from common drainage locations with 10 or more acres of disturbed land.

The permittee may request approval from Ohio EPA to use alternative controls if the permittee can demonstrate the alternative controls are equivalent in effectiveness to a sediment settling pond.

The sediment settling pond volume consists of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone shall be a minimum of 1800 cubic feet (ft³) per acre of drainage (67 yd³/acre) with a minimum 48-hour drain time for sediment basins serving a drainage area over 5 acres. The volume of the sediment storage zone shall be calculated by one of the following methods: Method 1: The volume of the sediment storage zone shall be 1000 ft³ per disturbed acre within the watershed of the basin. OR Method 2: The volume of the sediment storage zone shall be the volume necessary to store the sediment as calculated with RUSLE or a similar generally accepted erosion prediction model. The accumulated sediment shall be removed from the sediment storage zone once it's full. When determining the total contributing drainage area, off-site areas and areas which remain undisturbed by construction activity must be included unless runoff from these areas is diverted away from the sediment settling pond and is not co-mingled with sediment-laden runoff. The depth of the dewatering zone must be less than or equal to five feet. The configuration between inlets and the outlet of the basin must provide at least two units of length for each one unit of width (> 2:1 length:width ratio), however, a length to width ratio of 4:1 is recommended. When designing sediment settling ponds, the permittee must consider public safety, especially as it relates to children, as a design factor for the sediment basin and alternative sediment controls must be used where site limitations would preclude a safe design. The use of a combination of sediment and erosion control measures in order to achieve maximum pollutant removal is encouraged.

Upon inspection of the site a sediment pond was not present. Due to the size of the construction disturbance a sediment pond is required. Install a properly sized sediment pond immediately.

3. Storm Water Controls

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

There are no effective storm water controls in place at the site. Install storm water controls immediately and maintain them until entire area is stabilized. Refer to the *Rainwater and Land Development* manual for control practices and specifications and submit a SWP3 to me for review.

This site has a history of non-compliance with permit regulations. Because of this, I will be initiating formal enforcement action over the next few weeks.

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 terms and conditions of NPDES permits.

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,



Aaron Wolfe
Storm Water Section
Division of Surface Water

AW/dh

Enclosure

Limestone Community

9-26-11 taken by Aaron Wolfe OEPA DSW



Poorly stabilized area

Limestone Community

9-26-11 taken by Aaron Wolfe OEPA DSW



Poorly stabilized area

Limestone Community

9-26-11 taken by Aaron Wolfe OEPA DSW



Poorly stabilized area and erosion gullies

Limestone Community

9-26-11 taken by Aaron Wolfe OEPA DSW



Poorly stabilized area