

of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

OAC 3745-38-02 (E): Notice of Intent (NOI) for seeking coverage under general NPDES permit.

CGP Part I.E.1: Obtaining authorization to discharge. Operators that discharge storm water associated with construction activity must submit an NOI application form in accordance with the requirements of Part I.F of this permit to obtain authorization to discharge under this general permit. As required under OAC Rule 3745-38-06(E), the director, in response to the NOI submission, will notify the applicant in writing that he/she has or has not been granted general permit coverage to discharge storm water associated with construction activity under the terms and conditions of this permit or that the applicant must apply for an individual NPDES permit or coverage under an alternate general NPDES permit as described in Part I.C.1.

(a) Violation Description: Plat Three has been disturbed since at least March 17, 2016, and was assumed to be a part of Plat One. However, a review of the storm water plan that was provided to me by Feller Finch and Associates in an email on October 23, 2017, shows that the area of Plat Three did not receive a CGP until October 10, 2017. Areas that have been described to me as future Plats Four and Five have been disturbed with the addition of soil from the storm water pond and have not yet been assigned coverage under the CGP.

(b) Requested Action: Please submit an NOI for a CGP for all parts of this project that have been disturbed. Please be advised that an approvable storm water pollution prevention plan (SWP3) must be developed before the submittal of the NOI. This SWP3 must also be approved by the Wood County Engineer's Office.

2. **ORC Chapter 6111.04 (A)(1):** See above

ORC Chapter 6111.07 (A): See above

CGP Part III.G.2.h: Maintenance: All temporary and permanent control practices shall be maintained and repaired as needed to ensure continued performance of their intended function. All sediment control practices must be maintained in a functional condition until all up slope areas they control are permanently stabilized.

CGP Part III.G.2.i.i: When practices require repair or maintenance. If the inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment settling pond, it shall be repaired or maintained within three days of the inspection. Sediment settling ponds shall be repaired or maintained within 10 days of the inspection

CGP Part V.N: Proper Operation and Maintenance: The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWP3s. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

(a) Violation Description: Silt fence, filter sox, and inlet protection is not being maintained. Inlet protection has an over accumulation of sediment that needs to be removed. Silt fence is falling in areas and filter sox is not maintained in position.

(b) Requested Action: Please make sure that maintenance of sediment controls is attended to in a timely manner. All sediment controls are to be inspected at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24-

hour period. Repairs are to be made within three days of inspection. Your inspector should be noting that these controls need maintenance in the inspection reports. Please make sure that your inspector is a qualified inspection person.

3. **ORC Chapter 6111.04 (A)(1): See above**

ORC Chapter 6111.07 (A): See above

CGP Part III.G.2.g.i: Non-Sediment Pollutant Controls: In accordance with Part II.E, no solid (other than sediment) or liquid waste, including building materials, shall be discharged in storm water runoff. The permittee must implement all necessary BMPs to prevent the discharge of non-sediment pollutants to the drainage system of the site or surface waters of the state. Under no circumstance shall wastewater from the washout of concrete trucks, stucco, paint, form release oils, curing compounds, and other construction materials be discharged directly into a drainage channel, storm sewer or surface waters of the state. No exposure of storm water to waste materials is recommended. The SWP3 must include methods to minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, and sanitary waste to precipitation, storm water runoff, and snow melt.

a) Violation Description: On October 19, 2017, I observed an operator wash out his concrete truck at the end of Sunset Maple Drive in Plat Two, next to a catch basin. From the accumulation of concrete in the area, it appeared that this was a frequent site for concrete washout. However, there were no controls in place to contain the concrete and wash water.

b) Requested Action: Please provide a concrete washout area and notify all concrete truck operators that they must use the concrete washout area. Please make sure that your inspector notes areas such as this in inspections including recommendations for correction.

4. **ORC Chapter 6111.04 (A)(1): See above**

ORC Chapter 6111.07 (A): See above

CGP Part III.G.2.b: The SWP3 shall make use of erosion controls that are capable of providing cover over disturbed soils unless an exception is approved in accordance with Part III.G.4. A description of control practices designed to restabilize disturbed areas after grading or construction shall be included in the SWP3. The SWP3 shall provide specifications for stabilization of all disturbed areas of the site and provide guidance as to which method of stabilization will be employed for any time of the year.

i. Stabilization. Disturbed areas shall be stabilized in accordance with Table 1 (Permanent Stabilization) and Table 2 (Temporary Stabilization).

ii. Permanent stabilization of conveyance of channels. Operators shall undertake special measures to stabilize channels and outfalls and prevent erosive flows. Measures may include seeding, dormant seeding, mulching, erosion control matting, sodding, riprap, natural channel design with bioengineering techniques, or rock check dams.

CGP Part II.B: Soil Stabilization: Stabilization of disturbed areas shall, at a minimum, be initiated in accordance with the time frames 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 14 days.
- For all construction activities, any disturbed areas that will be dormant for more than 14 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.

(a) Violation Description: On both October 19, 2017, and October 26, 2017, I observed unstabilized areas along the culvert on both sides of the street in Plats One and Two, along the stream bank of future Plats Four and Five, the pond both above and below the rip rap, erosion channels were forming, and all of the area of future Plats Four and Five. Plat Three has not been stabilized since at least March 2016, and now there is activity of installing streets and utilities. Sediment was observed in the stream that runs next to future plat four.

(b) Requested Action: Please properly stabilize all areas of disturbance according to Table 1 or Table 2. These areas include the banks of the pond, both above and below riprap; all areas within 50 feet of stream in plats One, Two, and future Four and Five; all of future Plats Four and Five, and all lots that are not active in Plats One and Two. Please make sure that your inspector notes erosion rills and gullies and lack of stabilization during inspections.

5. **ORC Chapter 6111.04 (A)(1):** See above

ORC Chapter 6111.07 (A): See above

CGP Part III.G.2.e: The SWP3 shall contain a description of the post-construction BMPs that will be installed during construction for the site and the rationale for their selection. The rationale shall address the anticipated impacts on the channel and floodplain morphology, hydrology, and water quality. Post-construction BMPs cannot be installed within a surface water of the state (e.g., wetland or stream) unless it is authorized by a CWA 401 water quality certification, CWA 404 permit, or Ohio EPA non-jurisdictional wetland/stream program approval. Detail drawings and maintenance plans shall be provided for all post-construction BMPs. Maintenance plans shall be provided by the permittee to the post-construction operator of the site (including homeowner associations) upon completion of construction activities (prior to termination of permit coverage).

(a) Violation Description: On October 26, 2017 I observed that downspouts from 15202 Sunset Maple Drive went into the ground and came out on the bank of the stream just east of the home. This practice does not provide post construction storm water management. The CGP requires

Mr. Brian McCarthy
November 9, 2017
Page 5

that you inform the individual lot owner of the obligations under the permit which includes post construction storm water BMPs.

(b) Requested Action: Please show that you have provided information to individual lot owners about the SWP3 and the requirements to follow the SWP3.

Conclusion

Within seven days of receipt of this letter, you must contact me to arrange a meeting to discuss the violations at the Village at Riverbend Lakes.

Ohio EPA requests that you promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within 14 days of receipt of this letter, you must provide documentation to Ohio EPA of the actions taken and/or will be taken to resolve all of the violations cited above. Documentation of steps taken to return to compliance includes but is not limited to written correspondence, updated policies, and photographs, as appropriate and may be submitted via the postal service or electronically to patricia.tebbe@epa.ohio.gov.

Failure to comply with Chapter 6111 of the ORC and rules promulgated thereunder may result in an administrative or civil penalty. It is imperative that you return to compliance. If circumstances delay resolution of violations, you are requested to submit written correspondence describing the steps that will be taken by a date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the ORC.

Should you have any questions, please contact me at (419) 373-3016 or via email at patricia.tebbe@epa.ohio.gov.

Sincerely,



Patricia A. Tebbe, P.E.
Division of Surface Water

/jlm

pc: Kevin Laughlin, Wood County Engineer's Office
ec: Tom Poffenbarger, DSW-NWDO
Scott Sheerin, DSW-CO
Tracking

