BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Bob Webb Group, Inc.
7662 North Central Drive
Lewis Center, Ohio 43035

Respondent

Director's Final Findings
and Orders

I certify this to be a true and accurate copy of the
original documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Bob Webb Group
("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental
Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable
under Ohio law. No change in the composition of Respondent shall in any way alter
Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as
defined in ORC Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

The Director of the Ohio EPA makes the following findings:

1. The property ("the Site") is a residential housing development located at 6180 Olentangy
   River Road, Delaware, Ohio 43015.

2. The Site discharges storm water associated with construction activity to the Olentangy
   River and is located within the Olentangy River watershed.
3. The construction activities at the Site are covered under the Construction General Permit for the Olentangy River Watershed (NPDES Permit number 4GCO0249*AG). Permit coverage was issued on August 9, 2016.

4. On August 30, 2017, Ohio EPA Central District Office (CDO) conducted an inspection of the Site as a result of a complaint. A subsequent inspection letter was issued on September 12, 2017 which recommended addressing the following findings: the entire site was idle and barren, silt fence had not been installed per the approved Storm Water Pollution Prevention Plan (SWP3), the sediment trap located at the front of the site had not been stabilized, the SWP3 was not available on-site, and the construction entrance was not adequate to prevent off-site tracking of sediment.

5. On September 12, 2017, a Notice of Violation (NOV) was issued and included the following violation: the SWP3 was not located on-site. The NOV requested for the Respondent provide a response within fourteen (14) days. Ohio EPA CDO did not receive a response.

6. On November 17, 2017, Ohio EPA CDO conducted a second inspection of the Site. A subsequent inspection letter was issued on November 29, 2017 which included the following findings: the areas of the site that were idle and barren at the time of the August 30, 2017 inspection were stabilized, some areas in the northeast area of the site were in need of stabilization, some off-site tracking was observed, the sediment basin on-site appeared to be at capacity and was discharging turbid water through an outlet structure, the secondary basin had not been stabilized, had filled with sediment, and was discharging turbid water from outlet structure, and the SWP3, permit, and weekly inspection reports were not available on-site.

7. On November 29, 2017, a second NOV was issued and included the following violations: the SWP3 was not located on-site, the secondary sediment basin located on northeast side of site had not yet been stabilized and appeared to be at capacity, and the water being discharged from the outlet structures of both sediment basins was turbid. The NOV requested the Respondent provide a response within fourteen (14) days.

8. On December 27, 2017, Ohio EPA CDO met with a representative of the Respondent (Kirk Denyes) at the site to discuss the two NOVs. Mr. Denyes stated they would address the violations and send a response to the most recent NOV.

9. On January 26, 2018, Ohio EPA CDO conducted a third inspection of the Site. A subsequent inspection letter was issued on February 7, 2018 which included the following findings: areas in the northeast area of the site were still in need of stabilization, the sediment basin and sediment traps both appeared to be at capacity, the rock lined channel and rock outlet protection areas were inadequate, the discharge
from the storm water outlet structures was eroding a path downhill, and the SWP3 was not available on-site.

10. Additionally, a third NOV was issued on February 7, 2018 and included the following violations: the SWP3 was not located on-site, the secondary sediment basin located on northeast side of site had not yet been stabilized and appeared to be at capacity, the water being discharged from the outlet structures of both sediment basins was turbid, and the rock lined channel and the rock outlet protection for the sediment basin did not appear to be adequate to prevent erosion. The NOV requested the Respondent provide a response within fourteen (14) days.

11. On February 22, 2018, Ohio EPA CDO had a second meeting with Kirk Denyes to discuss the on-going violations. It was agreed upon that Mr. Denyes would send Ohio EPA CDO an email by February 27, 2018 that outlined work to be done and a schedule to get the work done. Mr. Denyes ultimately responded on March 1, 2018 explaining what work needed to be done. The correspondence did not contain a schedule for the work to be done.

12. On March 5, 2018, Mr. Denyes submitted a work schedule to Ohio EPA CDO. Mr. Denyes stated the work would begin on March 19, 2018 and be completed by March 26, 2018. Ohio EPA CDO agreed to this schedule.

13. On March 29, 2018, Ohio EPA CDO conducted a fourth inspection of the Site to verify whether the violations had been addressed. A subsequent inspection letter and Partial Resolution of Violation (PROV) letter were issued on April 5, 2018. The PROV cited the following outstanding violations: secondary sediment trap on the northeast side of the site near State Route 315 was still in need of stabilization and appeared to be at capacity, the storm outlet underneath Bluffway Drive did not have adequate measures to prevent erosive flows, and the rock lined channel and rock outlet protection areas were inadequate. In addition, the PROV cited the following resolved violation: The SWP3 was observed inside a mailbox located on site.

14. On April 6, 2018, Mr. Denyes submitted an updated work schedule to Ohio EPA CDO via email regarding the remaining outstanding violations. Mr. Denyes stated the work would begin on April 10, 2018.

15. The Respondent responded via email to Ohio EPA CDO on April 17, 2018 stating they have been able to complete the following: brought in additional 214 tons of stone and restored the rock channels and added additional check dams, the ‘Cut In’ road has been re-graded, and the northeast area near Liberty Bluff drive has been reshaped and fabric check dams installed.
16. On May 22, 2018, Ohio EPA re-inspected the Site. Some additional sediment and erosion control measures were observed to be added, however, they did not appear to be adequate for preventing runoff/erosion. In addition, the following was also observed: the rock check dams throughout Phase 2 did not have adequate erosion controls with erosion still occurring between each dam, the rock lined channels had not been repaired as requested, both sediment basins were discharging turbid water into the Olentangy River, installed fabric check dams did not appear to be functioning as intended, and the front of the site still had not been stabilized which allowed a turbid discharge into the Olentangy River.

17. Pursuant to ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.

18. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

V. ORDERS

1. Within seven (7) days after the effective date of these Orders, Respondent shall install and/or submit proof of installation of additional rock check dams in between the existing rock check dams. Additionally, add compost sock and mulch in front of each dam to prevent sediment and runoff from digging under the dams.

2. Within fourteen (14) days after the effective date of these Orders, Respondent shall stabilize the sediment trap at the front of the site.

3. Within twenty-one (21) days after the effective date of these Orders, Respondent shall upgrade the rock channels and/or submit proof of upgrading the rock channels by removing the existing rock, regrading and reshaping the channels, and lastly adding a layer of geotextile, followed by smaller rock, and then a layer of larger rock.

4. Within twenty-one (21) days after the effective date of these Orders, Respondent shall reshape the rock outlet areas to the sediment basins and/or submit proof of reshaping the rock outlet areas to the sediment basins by regrading and adding small and large rock.
5. Within twenty-one (21) days after the effective date of these Orders, Respondent shall evaluate all storm water outlets to determine what measures need to be taken to slow the flow of runoff and implement the identified measures.

6. Within thirty (30) days after the effective date of these Orders, Respondent shall submit engineering plans for the bioretention basin area at the front of the site along State Route 315.

7. Within thirty (30) days after the effective date of these Orders, Respondent shall submit an updated SWP3 depicting any changes made to the site.

8. Respondent shall pay the amount of five thousand dollars ($5,000) in settlement of Ohio EPA’s claims for civil penalties, which may be assessed pursuant to ORC Chapter 6111. Within thirty (30) days after the effective date of these Orders, payment to Ohio EPA shall be made by an official check made payable to “Treasurer, State of Ohio”. The official check shall be submitted to Carol Butler, or her successor, together with a letter identify the Respondent, to:

   Office of Fiscal Administration
   Ohio Environmental Protection Agency
   P.O. Box 1049
   Columbus, Ohio 43215-1049

A copy of the check shall be sent to Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

   Ohio EPA
   Division of Surface Water
   P.O. Box 1049
   Columbus, Ohio 43215-1049

VI. TERMINATION

Respondent’s obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA’s Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.
The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is defined in OAC Rule 3745-33-03(F).

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to activities occurring on or at the site.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI of these Orders.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent’s liability for the violations specifically cited herein.
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Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Craig W. Butler, Director

August 3, 2018
Date

IT IS SO AGREED:

Bob Webb Group, Inc.

Signature

Kirk Denues
Printed or Typed Name

7/13/18
Date

Title