



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

July 21, 2022

Michael E. Barker
Director of Public Service
City of New Albany
99 West Main Street, P.O. Box 188
New Albany, Ohio 43054

**Re: City of New Albany
Notice of Violation (NOV)
NOV
NPDES
Licking County
4GC08438*AG**

Subject: Notice of Violation / Resolution of Violation

Dear Mr. Barker:

Ohio EPA, Division of Surface Water (DSW), conducted an inspection of Jug Street/Harrison Road Improvements and Utilities in New Albany, Ohio on July 12, 2022, in response to a complaint of muddy water in Blacklick Creek. In addition, a follow-up inspection and a virtual meeting were conducted on July 13, 2022. The goal of the inspection and follow-up was to determine your facility's compliance with Ohio's environmental laws and regulations and the terms and conditions of New Albany's permit for construction storm water, 4GC08438*AG issued on April 1, 2022.

On July 14, 2022, New Albany submitted an improved de-watering plan as requested during the July 13 meeting. Ohio EPA has reviewed the documentation that you provided and have determined that New Albany has now resolved all violations discovered during the July 12, 2022 inspection. To ensure that all the violations have been addressed, below is New Albany's response for each violation and its status.

Violation(s)

Ohio EPA observed the following violation of Ohio's environmental laws and regulations during the July 12, 2022 site inspection.

1. **ORC 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense

CGP Part III.G.2.g.iv: Trench and ground water control. In accordance with Part II.C, there shall be no turbid discharges to surface waters of the state resulting from dewatering activities. If trench or ground water contains sediment, it shall pass through a sediment settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice.

Ground water which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant laden by traversing over disturbed soils or other pollutant sources.

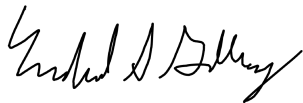
- (a) **Violation Description:** The July 12, 2022, complaint response revealed dewatering occurring without effective Best Management Practices.
- (b) **Additional Information:** Dewatering resulted in turbid discharges to Blacklick Creek, a Surface Water of the State.
- (c) **Requested Action:** Please develop and provide a more protective dewatering plan to Ohio EPA.

Resolution: On 7/14/2022 Ohio EPA received New Albany's response which provided a more robust plan for any dewatering. Therefore, this violation has been resolved.

Please note that this does not preclude the Director from seeking administrative or civil penalties pursuant to Ohio Revised Code section 6111.09 for the violation(s) noted in this NOV letter. The decision on whether to pursue or decline to pursue such penalties regarding these violations is dependent on several factors, one of which is the company's future compliance with Ohio EPA regulatory requirements.

Should you have any questions, please contact me at 614-728-3843, or Michael.Gallaway@epa.ohio.gov.

Sincerely,



Michael S. Gallaway, Manager
Division of Surface Water
Central District Office

ec: Scott Sheerin, DSW, CO
Marshall Cooper, DSW, CDO
Rahel Babb, DSW, CDO