



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

November 19, 2020

Transmitted Electronically

Alan Smithe, Project Manager
Gemma Power Systems
11160 Seneca Lane
Byseville, OH 43723

**Re: Guernsey Power Station
Notice of Violation (NOV)
NOV
NPDES
Guernsey County
0GC03356*AG**

Subject: Notice of Violation

Dear Mr. Smithe:

On September 11, 2020 and on October 15, 2020, Ohio EPA Division of Surface Water (DSW) received complaints regarding various aspects of the ongoing construction at the Guernsey Power Station. On October 27, 2020, Ohio EPA conducted a complaint investigation and construction storm water inspection of the Guernsey Power Station located at 11160 Seneca Lane in Valley Township, Guernsey County, Ohio. Steven Ray and Chris Trujillo represented Gemma Power Systems, David Phifer represented the Guernsey Power Station and Harry Kallipolitis and I represented the Ohio EPA, Southeast District Office, and the Division of Surface Water.

The goal of the review was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC) and the terms and conditions of the Guernsey Power Station's National Pollutant Discharge Elimination System (NPDES) permit #0GC03356 issued on March 12, 2019.

Violations

Ohio EPA DSW observed the two following violations of Ohio's environmental laws and regulations and the Guernsey Power Station's permit terms and conditions. Ohio EPA DSW recommends you promptly address these violations.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

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.

Permit 0GC03356 Part II.A.5. Erosion and Sediment Controls: You shall design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls shall be designed, installed, and maintained to minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls shall address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.

Permit 0GC03356 Part II.F: When discharging from sediment basins utilize outlet structures that withdraw water from the surface, unless infeasible.

- (a) **Violation Description:** At the time of the inspection, a disconnection in the skimmer arm in the southern sediment settling pond was observed.
- (b) **Additional Information:** A disconnection of this nature would prevent full treatment in the sediment settling pond.
- (c) **Requested Action:** Please submit a plan detailing the corrective action to address this violation and to return to compliance with the terms and conditions of NPDES permit #0GC03356.

Resolution: On October 27, 2020, Ohio EPA DSW received a picture of the skimmer from Guernsey Power Station. Sediment from around the outlet structure had been removed and the skimmer arm had been reconnected. Therefore, this violation has been resolved.

- 2. **ORC 6111.07(A):** See citation above.

Permit 0GC03356 Part II.A.5. Erosion and Sediment Controls: See citation above.

Permit 0GC03356 Part III.G.2.d.ii. Sediment Settling Ponds: A sediment settling pond is required for any one of the following conditions:

- Concentrated or collected storm water runoff (e.g., storm sewer or ditch).
- Runoff from drainage areas, which exceeded the design capacity of silt fence or other sediment barriers; or
- Runoff from drainage areas that exceed the design capacity of inlet protection.

- (a) **Violation Description:** Concentrated flow from the fill area north of the laydown yard was not routed to a sediment settling pond.
- (b) **Additional Information:** Sediment settling pond volumes consist of both a dewatering zone and a sediment storage zone. The volume of the dewatering zone is to be a minimum of 1800 cubic feet per acre of drainage with a minimum 48-hour drain time. The volume of the sediment storage zone is typically calculated as 1000 cubic feet per disturbed acre within the watershed.
- (c) **Additional Information:** On November 3, 2020, a picture of an excavation for a sediment settling pond to serve the fill area was provided to Ohio EPA DSW.

- (d) **Requested Action:** Please submit a plan of detailing the corrective action to address this violation and to return to compliance with the terms and conditions of NPDES permit #0GC03356.

Conclusion

Within 14 days of receipt of this letter, please provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violations cited above. If circumstances delay resolution of the violations, Guernsey Power Station shall submit written correspondence describing the steps that will be taken and dates when compliance will be achieved. The correspondence can include but is not limited to updated policies, procedures, and photographs, as appropriate, and may be submitted via the postal service or electronically to Alex.DelValle@epa.ohio.gov. Additionally, if Guernsey Power Station believes that the COVID-19 State of Emergency directly prevented or negatively impacted efforts to comply, please include detailed documentation of efforts to comply and any mitigation steps taken to minimize any negative impacts to public health or the environment of noncompliance, and include in the compliance plan the impact of the COVID-19 State of Emergency on current-efforts to comply.

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 relief as provided in Chapter 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at (740) 380-5227 and/or Alex.DelValle@epa.ohio.gov.

Sincerely,

Alex Del Valle
Environmental Specialist
Division of Surface Water
Southeast District Office

AD/cs

ec: Alan Smithe, Gemma Power Systems
ec: Tom Grace, Caithness Energy
ec: David Phifer, Guernsey Power Station
ec: Steven G. Ray, Gemma Power Systems
ec: Harry Kallipolitis, SEDO
ec: Marco Deshaies, DSW, SEDO
ec: Rachel Taulbee, DSW, SEDO
ec: Scott Sheerin, DSW, CO