



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

January 6, 2021

**Transmitted Electronically**

Alan Smithe, Sr. Project Manager  
Gemma Power Systems  
11160 Seneca Lane  
Byesville, OH 43723

**Re: Guernsey Power Station  
Resolution of Violation (ROV)  
NPDES  
Guernsey County  
0GC03356\*AG**

**Subject: Resolution of Violation**

Dear Mr. Smithe:

Thank you for your December 2, 2020 response to Ohio EPA, Division of Surface Water's (DSW), November 19, 2020 Notice of Violation (NOV) Letter. The violations were originally communicated to you following a construction storm water inspection conducted on October 27, 2020. The documentation you submitted included pictures of the reconnected skimmer arm and installation documentation of the triple-stack filter sock sediment trap.

**Resolution of 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.

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

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

**Permit OGC03356 Part II.A.5. Erosion and Sediment Controls:** See citation above.

**Permit OGC03356 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.

**Resolution:** On December 2, 2020, Ohio EPA received a response to the NOV letter. Rather than a sediment settling pond, a triple-stack filter sock sediment trap was installed, and pictures of the practice were provided. Installation of this practice began on November 3, 2020 and was completed on November 10, 2020. However, the fill plan indicated the drainage area to the sediment trap was 7.5 acres which is 2.5 acres greater than maximum drainage area of the practice according to the fill plan detail and 2.5 acres greater than the recommended total contributing drainage area for sediment traps in the Ohio Rainwater Land Development manual. On December 22, 2020, correspondence was provided to Ohio EPA indicating that the drainage area to the sediment trap was approximately 4.6 acres which was discovered after taking topographic measurements of the northern fill area. 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 for the violations noted in the November 19, 2020 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 (740) 380-5227 or by e-mail at [Alex.DelValle@epa.ohio.gov](mailto: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: Scott Sheerin, DSW, CO