



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director



November 4, 2011

RE: CUYAHOGA COUNTY  
CITY OF BROADVIEW HEIGHTS  
BROADVIEW HTS COMMERCIAL DEVELOPMENT  
CONSTRUCTION STORM WATER

**NOTICE OF VIOLATION**

Bob Abramovich  
Echo Broadview Heights LLC  
8869 Brecksville Rd, Suite A  
Brecksville, OH 44141

Craig Smith  
Harp Contractors Inc  
201 E. Andrus Rd.  
Northwood, OH 43619

Dear Mr. Abramovich and Mr. Smith:

On November 1, 2011, I performed a compliance inspection at the above referenced site. This site is the location of a new Giant Eagle grocery store. Our records indicate that storm water discharges associated with construction activities at this site are authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05271\*AG. I was accompanied on my inspection by Lisa Vavro of the Cuyahoga Soil & Water Conservation District and Gene Esser, Engineer for the City of Broadview Heights. While on site, I met with Rob Bucher, superintendent with Harp Contractors Inc. Mr. Bucher also accompanied us throughout the inspection.

My inspection was conducted in response to a complaint received October 31, 2011, from a citizen regarding the off-site tracking of soil from the construction site onto adjacent roadways. My inspection revealed that an excessive amount of soil had indeed been tracked off the construction site and onto Treeworth Blvd and Royalton Road (see photos). Although construction vehicles were accessing the site from an asphalt-paved driveway, the contractor was not able to maintain a rock construction entrance at the transition between pavement at the top of the drive and disturbed areas of the site. Although Harp Contractors stated that they had redressed this entrance with stone, the volume of truck traffic was too great and they were not able to prevent the tracking using this best management practice. Further, Mr. Bucher stated that the street sweeper had broken down and, as such, Harp was unable to clean up the soil which had been tracked off-site.

This letter will serve to notify you that Echo Broadview Heights LLC and Harp Contractors Inc are not in compliance with Part III.G.2.g.ii of the NPDES permit. **Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$10,000 per day of violation.** You will remain in violation of the NPDES permit until measures are taken to minimize off-site tracking. Measures may include: (a) establishing a wheel wash station at the top of the asphalt drive, (b) keeping construction vehicles that will go off-site on pavement or stoned haul roads while they are on-site, and/or (c) vacuum sweeping the asphalt drive and adjacent streets to remove soils that have been tracked onto them. The frequency of street sweeping and number of street sweepers being used may need to be increased.

We noted that by the end of the inspection, the contractor had called Riley Sweeping, a contracted street sweeping company, to begin sweeping adjacent roads. In addition, the on-site broom sweeper was repaired and put back into operation. The broom sweeper is a Broce Broom CR350. In reviewing the product specifications for this product at the manufacturer's website ([www.brocebroom.com](http://www.brocebroom.com)), it should be noted that this sweeper does not have a dust pan to collect sediment, but simply dislodges it from the roadway and brooms it or pushes it off to the side. In addition, dust is kicked up into the air where it resettles on roadway surfaces. Please be aware that this does not accomplish the goals of street sweeping. In fact, on the manufacturer's website, the product is shown sweeping asphalt millings on a road resurfacing project but, it is followed by a truck that actually removes the dust and millings from the roadway. Thus, it appears that the Broce Broom CR350 is not the appropriate type of street sweeping product to clean up off-site tracking from a construction site.

In addition to the violation related to street sweeping, I noted the following compliance issues related to sediment and erosion control:

- Construction has progressed to a point where all temporary sediment settling ponds have been removed, yet the site remains bare and susceptible to erosion. Part III.G.2.d.i of the NPDES permit intends that sediment ponds and perimeter barriers remain in place until the drainage area directed to them has been permanently stabilized. This is an issue best addressed during the site design and plan review process, but can also be addressed through timely scheduling of stabilization activities, i.e., paving and permanent stabilization within seven days of final grade or most recent earth disturbance. Please provide an indication of when the parking lot will be paved and perimeter areas will be stabilized with seeding, mulching and matting, as appropriate.
- Storm inlet protection is the only sediment control on this site; however, it has not been constructed per specifications contained in the storm water pollution prevention plan (SWP3). Please review the enclosed specifications for storm drain inlet protection from ***Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection*** (Ohio Dept. of Natural Resources, 2006) and construct inlet protection per one of these accepted standards. From my review of the site, it appears that Excavated Drop Inlet Sediment Protection may be most

appropriate at this stage of construction for the catch basins that will be located within future paved areas. Appropriately-selected commercially-available storm drain inlet protection devices are also acceptable.

- Silt fence has been removed from the site perimeter, leaving perimeter slopes exposed with no sediment control to address them. Although we understand that silt fence was removed because it interfered with construction for road improvements on Royalton Road and Treeworth Blvd, rather than eliminating it completely, it should have been relocated such that it provides control for the still unstabilized slopes yet is out of the way of the Treeworth construction. Please reinstall silt fence as appropriate or apply permanent stabilization to perimeter slopes within seven days.
- The contractor had set up a dewatering operation for an excavation, but it was not in compliance with Part III.G.2.g.iv of the NPDES permit and specifications contained in the SWP3. The SWP3 indicates that a dewatering bag will be used. The NPDES permit allows additional options such as pumping to a sediment pond or settling in place. However, none of these practices were chosen. Rather, the contractor placed the discharge hose adjacent to what appears to be an underdrain pipe with a connection to the storm sewer system. Please employ a dewatering bag as stated in the SWP3 or one of the other acceptable dewatering techniques contained in the NPDES permit.

Please provide me with a letter of response indicating the actions you will take to address these violations. If any revisions are made to the SWP3, include them with your response. All corrective actions must be completed and your response must be received **no later than November 21, 2011**.

If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/cs

Cc: Gene Esser, Engineer, City of Broadview Heights  
Samuel Alai, Mayor, City of Broadview Heights  
Lisa Vavro, Cuyahoga SWCD

**BROADVIEW HEIGHTS COMMERCIAL DEVELOPMENT**

City of Broadview Heights Cuyahoga County

NPDES Permit #3GC05271\*AG

Photos Taken: November 1, 2011

By: Dan Bogoevski, DSW, NEDO



**Fig 1 & 2.** Construction vehicles track sediment onto the paved driveway (ABOVE) and then onto Treeworth Blvd (RIGHT). The amount of off-tracking is excessive.



**Fig 3 & 4.** This photo (LEFT) is the transition area between the paved driveway and the disturbed areas of the construction site. The area has been stoned several times, but the rock surface is not being maintained. Additional measures such as a wheel wash are recommended. In addition, to prevent sediment-laden runoff from the disturbed areas from flowing down the paved driveway and off-site, a water bar is recommended at the top of the paved driveway to divert runoff toward a wheel wash pit, sediment pond or protected storm drain inlet. The photo on RIGHT is a view from the site looking down toward the paved driveway.



**Fig 5 (LEFT).** Silt fence previously installed along Treeworth Blvd has been removed or damaged by construction associated with improvements to Treeworth Blvd. Silt fence should be reinstated and the slopes should be final graded and permanently stabilized in a timely manner.

**Fig 6 (RIGHT).** Storm drain grates are generally wrapped in geotextile and many are above grade, but inlets have finger drains. Please note that the *Rainwater* manual recommends excavated drop inlet protection for this type of drain until final grading. After final grading, geotextile-stone inlet protection or commercially-available inlet protection is appropriate.



**Fig 7 (LEFT).** A hose has been set up to dewater a trench directly into an underdrain rather than a dewatering bag.



**Fig 8 (ABOVE).** The Broce Broom CR350 is not equipped with a dustpan or other means to collect sediment.