



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

November 8, 2011

RE: CUYAHOGA COUNTY
CITY OF BROADVIEW HEIGHTS
GET GO SITE #3088
CONSTRUCTION STORM WATER

NOTICE OF VIOLATION

Todd Waldo
Giant Eagle Inc.
101 Kappa Drive
Pittsburgh, PA 15238

Dave Jays, Superintendent
Continental Building Systems
395 E. Waterfront Drive, Suite 300
Homestead, PA 15120

Dear Mr. Waldo and Mr. Jays:

On November 1, 2011, I conducted a compliance inspection of storm water best management practices at the above referenced site located at the northeast corner of Royalton Road and Treeworth Blvd. I was accompanied on my inspection by Lisa Vavro of the Cuyahoga Soil & Water Conservation District (SWCD) and Gene Esser, Engineer for the City of Broadview Heights. While on site, we met with Dave Jays, superintendent for Continental Building Systems. Continental Building Systems has day-to-day operational control over the construction site.

Our records indicate that Giant Eagle Inc. has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05513*AG. However, Continental Building Systems has not submitted a Co-Permittee Notice of Intent (Co-Permittee NOI) to obtain NPDES permit coverage. All parties that meet the definition of operator must obtain NPDES permit coverage. Parties with day-to-day operational control over activities necessary to ensure compliance with the Storm Water Pollution Prevention Plan (SWP3) are included in the definition of "operator". **Thus, Continental Building Systems is in violation of Ohio Administrative Code 3475-39-04 and Ohio Revised Code 6111.04 for discharging storm water associated with construction activities without an NPDES permit.** Continental Building Systems will remain in violation of ORC 6111 until they submit a Co-Permittee NOI to Ohio EPA. The form and instructions can be downloaded from our website at www.epa.ohio.gov/dsw/storm/stormform.aspx.

My review of the site and associated SWP3 revealed the following violations of the NPDES permit:

- **Failure to install the sediment basin prior to grading and within seven (7) days from the start of grubbing.** This is a violation of Part III.G.2.d.i of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07. The SWP3 shows that a sediment basin is to be installed in the NW corner of the site. Mr. Jays indicated that the basin, as shown on the SWP3, is above existing grade and could not be installed until the grade was raised. However, the drainage area that is supposed to be directed to the sediment basin has been disturbed, graded and is susceptible to erosion. If it is not possible to install the sediment basin shown on the SWP3 and direct construction site runoff through it at this time, you must install a temporary sediment pond or other sediment control in compliance with the NPDES permit that can function until such time that the sediment basin shown on the SWP3 can be established. To address this violation, please install the sediment basin as shown on the SWP3 or amend the plan to provide interim controls. **NOTE:** The approval of interim controls may require review and approval through Cuyahoga SWCD. Please contact Lisa Vavro at (216) 524-6580 ext 12 for further guidance on the SWP3 revision process.
- **Failure to inspect storm water best management practices at least once every seven (7) days and within 24 hours of a 0.5-inch or greater rainfall.** This is a violation of Part III.G.2.i of the NPDES permit and ORC 6111.04 and 6111.07. Mr. Jays indicated that he replaced the original project superintendent on October 17, 2011. The previous superintendent did not leave behind any inspection records. Mr. Jays stated that he had not performed a site inspection since being assigned to the site. Thus, it appears that storm water BMP inspections are not occurring as required by the NPDES permit. Further, the NPDES permit requires that an inspection checklist summarizing the findings and corrective actions needed be completed and signed by the inspector following each inspection. Please ensure that you begin keeping the required inspection records. Records must be made available to Ohio EPA or the City of Broadview Heights upon request.

In addition to these violations, I noted the following concerns related to sediment and erosion control:

- **The rock construction entrance requires maintenance.** Please redress with stone as needed to maintain a clean surface. Sweep the paved apron and roadways if sediment is tracked off-site.
- **The soil stockpile was not stabilized.** Please be aware that any disturbed portions of the construction site, including soil stockpiles, must be temporarily stabilized if they will remain idle for 21 days or longer. Temporary stabilization must be initiated within seven (7) days of most recent earth disturbance in that area. Mr. Jays indicated that soil in the

stockpile would be used as fill across the site and that it would not remain idle for 21 days or longer. Please monitor the soil stockpile and other disturbed areas of the site to ensure that you are initiating temporary stabilization as required by the NPDES permit.

- **Perimeter silt fence along SR 82 requires maintenance.** The joints between two (2) roles of silt fence have not been connected properly. The stakes should be twisted together so as to create a continuous barrier before the silt fence is staked, trenched into the ground and backfilled (see enclosed specifications from *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection*, ODNR, 2006). Please repair the silt fence and ensure it is installed per accepted specifications.
- **Additional perimeter controls needed.** Construction crews have been accessing the site from an unauthorized construction entrance on the east side of the site. This has resulted in off-site tracking of sediment onto an adjacent parking lot with active storm drainage. Please discontinue use of the unauthorized construction entrance and establish perimeter sediment controls across the (former) entrance. Perimeter controls are also needed across the north side of the site as shown on the SWP3. Perimeter controls may include silt fence, filter socks or compost filter berms (specifications enclosed).

Please provide me with a letter of response indicating the actions you will take to address the violations and concerns stated herein. If you make any amendments to the SWP3, please provide me with a copy. Your response should be received **no later than November 23, 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: Samuel Alai, Mayor, City of Broadview Heights
Gene Esser, Engineer, City of Broadview Heights
Lisa Vavro, Cuyahoga SWCD

GET GO SITE #3088

City of Broadview Heights Cuyahoga County
NPDES Permit #3GC05513*AG

Photos Taken: November 1, 2011

By: Dan Bogoevski, DSW, NEDO

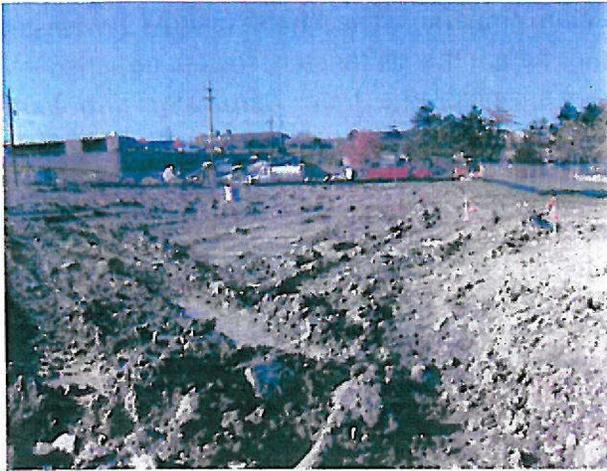


Fig 1 (LEFT). The sediment basin has not been installed. The SWP3 shows it is to be installed in this corner.

Fig 2 (RIGHT). Currently, the site is graded to drain north onto an adjacent landfill. There is no perimeter control or diversion to a sediment pond to retain sediment on the construction site.



Fig 3 (LEFT). Photo shows off-site tracking of sediment onto an adjacent parking lot on the east side of the project. The SWP3 does not indicate a construction entrance at this location.

Fig 4 (RIGHT). Perimeter silt fence along SR 82 (Royalton Road) has not been installed properly. The joints between two rolls of silt fence must be twisted together to prevent the formation of gaps.

Photos Taken: November 1, 2011



Fig 5. The main rock construction entrance must be redressed with stone to minimize off-site tracking onto Treeworth Blvd. In addition, the paved apron off Treeworth must be swept to remove sediment that has accumulated on it.



Fig 6. The soil stockpile has not been stabilized. It must be stabilized (seeded, mulched, tarped or covered with erosion control blanket) if it will remain idle for 21 days or longer.