

**Environmental  
Protection Agency**

John F. Kasich, Governor

Mike Taylor, Lt. Governor

Scott J. Hardy, Director

October 4, 2011

RE: CUYAHOGA COUNTY  
CITY OF CLEVELAND  
CSX INTERMODAL TERMINALS –  
CLEVELAND TERMINAL  
CONSTRUCTION STORM WATER

Hugh Perry  
CSX Intermodal Terminals Inc.  
550 Water St.  
Jacksonville, FL 32202

Jeff Williams  
Polivka International Co Inc  
10700 Sikes Place, Ste 110  
Charlotte, NC 28277

Dear Mr. Perry and Mr. Williams:

On September 26, 2011, I performed a compliance inspection of storm water Best Management Practices (BMPs) at the above referenced site. My inspection was conducted in response to a complaint received through the City of Cleveland Department of Building and Housing. An adjacent property owner has expressed concerns that contaminated soils from this property were improperly disposed and that runoff from the project is discharging onto his property conveying contaminants onto his property. I met with Jeff Loupin, foreman for Polivka International, Kevin Hoffman, project engineer from Polaris Engineering, and Cynthia Capell, geologist for Arcadis Environmental. I was accompanied on my inspection by Karen Nesbit of our Division of Materials and Waste Management (DMWM), Lisa Vavro of the Cuyahoga Soil & Water Conservation District, Gerald Murphy from the City of Cleveland Department of Public Health, Elie Ramy of the City of Cleveland Department of Water Pollution Control, and Jeff Clark from the City of Cleveland Department of Building and Housing. Our records indicate that storm water discharges associated with construction activities to expand the cargo container storage area are covered under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05472\*AG.

My inspection of the site revealed the following deficiencies:

- It was indicated that storm water discharges from these construction activities are directed to a combined sewer system. Please provide me with documentation indicating how this determination was made. If all runoff from construction activities discharges to a combined sewer, the NPDES permit program for construction activities is not applicable to this project. However, Cuyahoga SWCD and the City of Cleveland Department of Building and Housing indicated that municipal storm water regulations do apply. These regulations mirror the requirements of the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003. Also, if storm water is discharged to the combined sewer system, please consult with Scott Broski at the Northeast Ohio Regional Sewer District and the City of Cleveland Department of Water Pollution Control to determine if any of their regulations apply to discharges from this facility.
- Although most of the runoff from these construction activities discharges via swale to the west and subsequently to a combined sewer, some runoff flows via sheet flow onto property owned by the complainant located at 18100 Lanken Ave. Upon discussion, it was agreed that Polivka International Company would extend the swale along the north side of this project further to the east such that no runoff from construction activities would discharge onto 18100 Lanken Ave. Mr. Loupin indicated he would begin installing the swale later that same day and would provide me with photographs via e-mail to demonstrate this work was completed. Ohio EPA has not yet received this documentation.
- Cuyahoga SWCD expressed concerns that most runoff is being directed to a single location at the west end of the project and the only sediment control currently in place is a silt fence embedded in stone. Because of the short timeframe that this condition was expected to exist, Cuyahoga SWCD requested that the silt fence be extended to more fully protect the entire width of the swale so as to prevent flow around the ends. It was further indicated that if the condition was to remain beyond the two (2) weeks expected, additional sediment controls may be required, such as a sediment trap.
- Storm drain catch basins are installed, but are significantly above grade and are not currently accepting runoff from the project. Polivka International Company

will provide storm drain inlet protection once the grade is raised and the catch basins become functional.

- Although Arcadis did sample soils previously stockpiled on a portion of the construction site prior to it being relocated and did receive a Rule 13 authorization from the Ohio EPA Division of Materials and Waste Management when a previously unknown solid waste disposal facility was discovered under the soil stockpile, there was no apparent solid waste exposed on this site at the time of inspection other than a pile of old tires and several stacks of railroad ties. Polivka and Arcadis indicated that they are in the process of arranging for their disposal from the site. Please provide me with an indication of when you expect disposal to be completed and indicate how the materials will be or were disposed. All parties were cautioned that discharges of storm water that comes into contact with solid waste or contaminated soils are not authorized under the NPDES permit. Thus, additional measures would be required to prevent such discharges if runoff is not ultimately discharged to a combined sewer system.

Please provide me with a letter of response indicating the actions you will take to address the concerns noted herein. Your response should be received no later than October 17, 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: Cynthia Capell, Arcadis Environmental  
Kevin Hoffman, Polaris Engineering  
Jeff Clark, City of Cleveland, Dept of Building & Housing  
Annie Snyder, City of Cleveland,

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Lisa Vavro, Cuyahoga SWCD  
Scott Broski, Northeast Ohio Regional Sewer District

ec: ✓ Karen Nesbit, Ohio EPA, NEDO, DMWM  
✓ Kurt Princic, Ohio EPA, NEDO, District Chief  
✓ Allison Shockley, Ohio EPA, CO, DMWM  
✓ Jeffrey Loupin, Polivka International Company

bc: Jim Alfieri, Alfieri Trucking

**CSX INTERMODAL – CLEVELAND TERMINAL**  
City of Cleveland Cuyahoga County  
Operator: Sunpro Inc.

**Photos Taken:** September 26, 2011  
**By:** Dan Bogoevski, DSW, NEDO



**Fig 1 (LEFT).** An overview of the west end of the project where runoff collects. The contractor has installed a silt fence embedded in stone for sediment control. The drainage area to the silt fence exceeds the limits contained in Part III.G.2.d.iii of the NPDES permit. A sediment settling pond may be more appropriate.

**Fig 2 (RIGHT).** Runoff flows around the end of the silt fence pictured in Figure 1.



**Fig 3 & 4.** Runoff discharges into this drainage channel at the west end of the project. Note the sediment which has accumulated in the channel as well as what appears to be chemical pollutants. This runoff discharges into the combined sewer system.

Photos Taken: September 26, 2011



**Fig 5.** The property left of the silt fence belongs to Alfieri Trucking. It was previously used as a staging area for building materials such as silt fence, stabilization fabric, pipe and #57 stone with their permission. Runoff from that parcel flows back onto CSX property and into the swale being constructed along the north side of the CSX project.



**Fig 6 (LEFT).** Overview of the east end of the project. Runoff from the project can flow toward Alfieri Trucking property to the left of the fence.

**Fig 7 (RIGHT).** Silt fence has been established around the soil stockpile at the east end of the project, but the pile has not been stabilized or covered.