



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

August 13, 2009

RE: CUYAHOGA COUNTY  
CUYAHOGA RIVER BASIN  
CITY OF BEACHWOOD  
AHUJA MEDICAL CENTER

**NOTICE OF VIOLATION**

Mr. Jamie Belkin  
University Hospitals Health Systems Inc.  
11100 Euclid Ave.  
Cleveland, OH 44106

Mr. Mark Hill  
Gilbane Building Company  
The B.F. Keith Building  
1621 Euclid Ave, Suite 1830  
Cleveland, OH 44115

Dear Mr. Belkin and Mr. Hill:

On July 30, 2009, I conducted an inspection for construction site runoff control practices at the above referenced site. My inspection was conducted at the request of Brian McCready of Gilbane Building Company to assure that the site is in compliance with Ohio EPA storm water regulation requirements. Our records indicate that storm water runoff from the Ahuja Medical Center is authorized for discharge under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC03234\*AG.

My site inspection revealed the following compliance issues:

**Administrative Matter**

- **Failure to obtain NPDES permit coverage.** This is a violation of Ohio Revised Code (ORC) 6111.04 and Ohio Administrative Code (OAC) 3745-38-06. Because they are managing day-to-day construction operations necessary to ensure compliance with the NPDES permit, Gilbane meets the definition of "operator" contained in the NPDES permit. All operators must obtain NPDES permit coverage. To obtain NPDES permit coverage, Gilbane Building Company must submit a Co-Permittee Notice of Intent (Co-permittee NOI) to Ohio EPA. The form and instructions can be found on-line at [www.epa.state.oh.us/dsw/storm/stormform.html](http://www.epa.state.oh.us/dsw/storm/stormform.html). The co-permittee NOI was to have been submitted prior to starting work at the site. There is no fee to submit a Co-permittee NOI.

**Storm Water Pollution Prevention Plan (SWP3)**

- **The SWP3 has not been updated to address a change in design, construction, operation or maintenance as required by Part III.D of the NPDES permit.** The SWP3 does not indicate that any construction activity would occur at the corner of Richmond and Harvard Roads. The contractor has located a soil stockpile here. The SWP3 was not updated to show the stockpile in this location or the sediment and

Mr. Jamie Belkin  
Mr. Mark Hill  
Ahuja Medical Center  
August 13, 2009  
Page 2

erosion controls that need to be implemented here. In addition, the contractor has appropriately added a diversion berm to convey runoff to the south sediment basin, but this additional best management practice (BMP) was not added to the SWP3. Please update the SWP3 as required by the NPDES permit.

- **The elevations of the tops of the temporary risers of sediment basins and storage volumes provided between the inverts and tops of risers have not been specified on the SWP3.** This information is needed to demonstrate that a dewatering zone equal to 67 cubic yards per acre of total drainage area is being provided in each sediment settling pond. The detail drawings associated with the three sediment settling ponds do not provide the information required to demonstrate compliance with this requirement and will need to be amended. However, please note that the contractor did not install the temporary outlet structures depicted in those detail drawings. Rather, the contractor has installed the permanent outlet structures, so elevations at which risers are being provided in the field do not match those shown in the SWP3. Please consult your design engineer on how the permanent outlet structures must be modified in order for the ponds to meet the required design specifications for sediment basins.
- **The plan does not demonstrate that the dewatering zone of the sediment settling ponds will drain in 48 hours or longer.** The plan specifies the use of temporary riser pipes with 1-inch diameter holes spaced 4 inches apart and wrapped with geotextile. Please be aware that this is an out-of-date specification and does not demonstrate compliance with the 48-hour minimum drain time requirement. Although a riser with the appropriate size and number of holes may be used to meet this requirement, the preferred outlet structure is a skimmer device (see *Rainwater and Land Development* manual, Ohio Department of Natural Resources, 2006). Skimmers are preferred because they always draw runoff from the top of the dewatering zone where water is least sediment-laden.
- **The plan does not provide level spreaders to convert concentrated runoff to diffuse flow before discharge to wetlands.** The wetlands that lie along the east side of the site were installed as mitigation under Clean Water Act Section 404 and 401 permits. As such, these wetlands are waters of the state and must be treated as natural wetlands. The SWP3 designer has failed to provide level spreaders to diffuse discharges from the retention basins into the wetlands. The SWP3 must be amended to diffuse the discharge from retention basins to protect the wetlands.

#### **Site Inspection for Construction Site Runoff Controls**

- **Soil stockpile at corner of Harvard and Richmond.** Although silt fence has been installed along the stream channel that lies north of the stockpile, the grade of the land causes runoff to flow parallel to the silt fence and enter the stream near the 48-inch culvert pipe rather than flow perpendicular to the silt fence as diffuse flow. As a result, sediment is getting into the stream channel. To address this issue, grading can be changed to assure diffuse flow to the silt fence and the silt fence extended as discussed

Mr. Jamie Belkin  
Mr. Mark Hill  
Ahuja Medical Center  
August 13, 2009  
Page 3

with Mr. McCready, or you can install a diversion berm at the edge of clearing to collect runoff and convey it to a sediment trap located along side the stream and upland from any wetlands which may exist along the stream. The straw bales placed within the stream channel should be removed. The NPDES permit prohibits the installation of sediment controls in a water of the state. In addition, soil stockpiles or portions of stockpiles that are expected to lie dormant for 21 days or longer must be temporarily stabilized with seed and/or straw mulch. Stabilization must be initiated within 2 days of last disturbance for areas within 50 feet of a stream.

- **Storm sewer catch basin south of stockpile and within grass area along Harvard Road.** Please be sure to maintain the inlet protection installed around this catch basin in good working order. In order to function, storm drain inlet protection must be capable of ponding runoff.
- **Diversion berm placed across the Harvard Road entrance.** Please fix the breach in the diversion berm so that runoff is fully conveyed to the South Sediment Basin. It was noted that the contractor's weekly site inspection report did identify this problem. Mr. McCready was reminded that the NPDES permit requires repairs to be made within 3 days of identifying the problem.
- **Storm drain inlet protection on catch basin east of the Harvard Road entrance.** The inlet protection around this catch basin must be replaced with properly constructed yard inlet protection (see enclosure or detail drawing included in the SWP3). Accumulated sediments must be removed to allow ponding around the storm drain inlet protection.
- **Embankments of South Sediment Basin.** The contractor attempted to stabilize these embankments with hydroseed, but it was performed too late in the season. As a result, vegetation adequate to control erosion has not been established. Please prepare the embankments for seeding and stabilize them per the specification contained in the SWP3. In addition, a geotextile-and-rock-lined conveyance channel will need to be provided where the diversion enters the pond to repair the erosion gully which has formed.
- **Mortar mix area.** No containment has been provided around the mortar mix area to prevent washwaters from discharging from the site. The NPDES permit does not authorize the discharge of mortar mix washwater. This is a wastewater, not a storm water. As such, you must take measures to prevent its discharge. Berming the area and providing a washout pit or relocating mortar mix operations away from storm drains or waterways is recommended.
- **Eastern perimeter between the South and Middle sediment basins.** The only control measure provided here is silt fence. However, the size of the drainage area directed to the silt fence exceeds the limits established in the NPDES permit. At moderate slopes

Mr. Jamie Belkin  
Mr. Mark Hill  
Ahuja Medical Center  
August 13, 2009  
Page 4

(2-20%), no more than 0.25-acre can drain to 100 linear feet of silt fence. Options to correct this issue include establishing an additional sediment pond or diverting this flow to one of the existing sediment basins. Please consult with your design engineer which would be most feasible and appropriate. Be sure to update the SWP3 accordingly. Further, this issue needs to also be thought about in terms of post-construction runoff control. What permanent storm water best management practice will be provided to control runoff from this drainage area?

- **Erosion gully to North Sediment Basin.** Please repair this erosion gully. You may need to provide a permanent geotextile-and-rock-lined conveyance channel to address this matter.
- **North perimeter along Spectrum Parkway.** Silt fence, filter berm or filter sock (see *Rainwater* manual for specifications) must be provided along the fence/sidewalk to prevent sediment from discharging out onto Spectrum Parkway.
- **Solid waste dumpster.** The dumpster used to dispose of solid waste has not been lidded or tarped. Please provide a cover so as to prevent storm water from contacting solid waste and creating leachate. The NPDES permit does not authorize the discharge of wastewater such as leachate.

Please provide me with a letter of response, indicating the actions you will take to correct the violations and deficiencies noted above. Include a timeframe to complete or date that corrective action was taken for each item. Include any revisions to the SWP3 needed to address an item. Your response should be received **no later than August 28, 2009**.

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

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/mt

cc: Brian McCready, Superintendent, Gilbane Building Company  
Joe Ciuni, Engineer, City of Beachwood  
Tom Kreczko, Storm Water Program Manager, City of Beachwood  
Merle Gorden, Mayor, City of Beachwood  
Joe Loucek, Ohio EPA, Section 401 Program, DSW, NEDO  
Todd Houser, Cuyahoga SWCD