



Environmental
Protection Agency

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

May 20, 2011

RE: CUYAHOGA COUNTY
CUYAHOGA RIVER WATERSHED
CITY OF INDEPENDENCE
SELIG DRIVE/ITC/BRECKSVILLE RD
INTERSECTION

Mr. Don Ramm, Engineer
City of Independence
6335 Selig Drive
Independence, OH 44131

Mr. Scott Schneider
Fabrizzi Trucking & Paving Co Inc.
389 Columbia Rd.
Valley City, OH 44280

Dear Mr. Ramm and Mr. Schneider:

On May 9, 2011, I performed an inspection for storm water best management practices (BMPs) at the above referenced site. While on site, I spoke with Marty Shymske, superintendent, and Tom Murphy, foreman, for Fabrizzi Trucking & Paving Co Inc. My inspection was performed as a result of a complaint received from a concerned citizen. The citizen noted tracking of sediment out onto roadways and was concerned about impacts to the adjacent creek, an unnamed tributary to the Cuyahoga River. Our records indicate that the City of Independence and Fabrizzi Trucking & Paving Co Inc. are co-permittees under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC05411*AG. This permit establishes the requirements for storm water discharges that result both during construction and once the project is completed.

My inspection revealed the following deficiencies:

- **The Storm Water Pollution Prevention Plan (SWP3) is inadequate.** It fails to provide appropriate BMPs during initial site grading. In particular:
 - No provisions have been made for excavation dewatering or the installation of a sediment-settling pond. As a result, the contractor is discharging sediment-laden runoff that collects within excavations on the site directly out onto Brecksville Road via a pump. Sediment-laden runoff flows down Brecksville Road into the municipal separate storm sewer system (MS4) and into the unnamed tributary of the Cuyahoga River. Please either add BMPs for the proper dewatering of sediment-laden runoff that collects on site or add a sediment-settling pond to the SWP3.
 - The plan does not provide a detail drawing of a rock construction entrance. As a result, the contractor has not built a rock construction entrance per accepted standards and specifications found in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban*

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Stream Protection (Ohio Dept. of Natural Resources, 2006). This has resulted in an appreciable amount of off-site tracking onto Selig Drive. Sediment which is tracked onto Selig Drive will enter the MS4 when it rains. The location and detail drawing for the construction of a rock construction entrance must be added to the SWP3. The contractor must construct the rock construction entrance per those specifications.

- The plan does not indicate the post-construction BMPs that will be installed for this project. Part III.G.2.e of the NPDES permit requires the implementation of post-construction BMPs on all projects where the larger common plan of development or sale disturbs 1 or more acre of land. Please design and install post-construction BMPs as required by the NPDES permit. The selected BMPs and detail drawings for their construction must be added to the SWP3.
- **Perimeter silt fence has not been installed per required specifications** in the *Rainwater and Development* manual and as shown in the detail drawing in the SWP3. In particular, silt fence has not been trenched and backfilled. As a result, as installed, the silt fence is not capable of ponding runoff. The NPDES permit requires sediment controls to pond runoff in order to be considered functional. Please install the silt fence as stipulated in the Rainwater manual and detail drawing contained in the SWP3.

Finally, at the time of inspection, Fabrizio Trucking & Paving Co Inc. had not yet submitted a co-permittee NOI to Ohio EPA to obtain NPDES permit coverage. As a site operator, Fabrizio was required to submit the co-permittee NOI prior to beginning work on the site. However, since the time of inspection, Fabrizio has corrected this violation and has now obtained the appropriate permit coverage.

Please provide me with a letter of response indicating the actions you will take to address the deficiencies noted above. Include any amendments you have made to the SWP3. Your response should be received no later than June 3, 2011.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Shannon Mullins, Cuyahoga SWCD
Gregory Kurtz, Mayor, City of Independence



Fig 1 & 2. An appreciable amount of off-site tracking of sediment was observed on Selig Drive and the access road to the Police Department. The contractor added more asphalt grindings during the course of my inspection, but this is not an acceptable means of constructing a construction site entrance.



Fig 3 & 4. The contractor is pumping sediment-laden runoff from the construction site out toward Brecksville Road and the unnamed tributary to the Cuyahoga River.



Fig 5. Silt fence along Selig Drive is not trenched in and backfilled. Thus, it is not functional.