

**Environmental  
Protection Agency**

Governor  
Lt. Governor  
Director

July 19, 2011

RE: CUYAHOGA COUNTY  
CITY OF MIDDLEBURG HEIGHTS  
BOULDER CREEK  
NPDES PERMIT NO. OHC000003  
OHIO EPA PERMIT NO. 3GC05309\*AG  
CONSTRUCTION STORM WATER

Joe Ruggiero  
Ruggiero Custom Homes  
14379 Bagley Road  
Middleburg Heights, OH 44130

Dear Mr. Ruggiero:

On July 12, 2011, Ohio EPA conducted an inspection of the Boulder Creek Subdivision project located at 6814 Smith Road, City of Middleburg Heights, Cuyahoga County. Ohio EPA records indicate that the site is covered by the General National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Associated with Construction Activity (General Storm Water Permit), permit No. 3GC05309\*AG. I spoke with you, as well as Art Easton from Fortuna Construction while on site. The inspection documented the following:

- There appeared to be no sediment controls in place to protect the stream that crosses through the property and the preexisting pond on site. Please implement silt fence, diversions, etc., as specified in the Storm Water Pollution Prevention Plan (SWP3) to prevent sediment laden water from entering surface waters of the state. Discharging sediment laden water into the stream or pond is a direct violation of the NPDES permit (See Figures 1 & 2).
- There appeared to be tree branches and other debris placed directly in the stream crossing through the property. Wetland and stream impacts require additional 401/404 permission from the OEPA and Army Corps of Engineers. Please be sure to remove anything placed in the stream immediately to avoid possible consequences and fines (See Figures 3 & 4).
- There appeared to be no sediment or erosion controls implemented whatsoever. Erosion and sediment controls must be in place within seven days of initial disturbance over an acre (i.e. grubbing, grading, etc.). Also, no one on site was able to provide me with a copy of the SWP3. Please submit a copy of the most recent SWP3 to my attention and implement any erosion or sediment control on the plan immediately.

JOE RUGGIERO  
JULY 19, 2011  
PAGE 2

- Please be sure that any equipment crossing the stream uses the construction drive and box culvert that was being constructed while on site. One of the workers from Wincliffe Tree Clearing asked if laying logs across the stream and crossing there was acceptable. I told him this was unacceptable and any crossings must be made over the box culvert.

Please provide me with a letter of response indicating the actions you will take to address the deficiencies noted above. Your response must be received and corrective action completed by August 1, 2011. If corrective action cannot be completed by this date, your response should include the date by when corrections will be completed. Also, please fax a copy of your most recent storm water inspection report to my attention at (330) 487-0769 or via e-mail at [timothy.mcparland@epa.state.oh.us](mailto:timothy.mcparland@epa.state.oh.us). Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1128.

Sincerely,



Tim McParland  
Assistant to the District Engineer  
Division of Surface Water

TM:bo

pc: Jim Knerem, Wincliffe Tree Clearing  
Fortuna Construction Company  
Todd Houser, Cuyahoga SWCD

ec: Dan Bogoevski, DSW, NEDO  
[Joe@Ruggieroconstruction.com](mailto:Joe@Ruggieroconstruction.com)



Figure 1. No sediment controls in place to protect the pond.



Figure 2. No sediment controls in place to protect the stream crossing the property.



Figure 3. Tree branches and debris need to be removed from the stream.

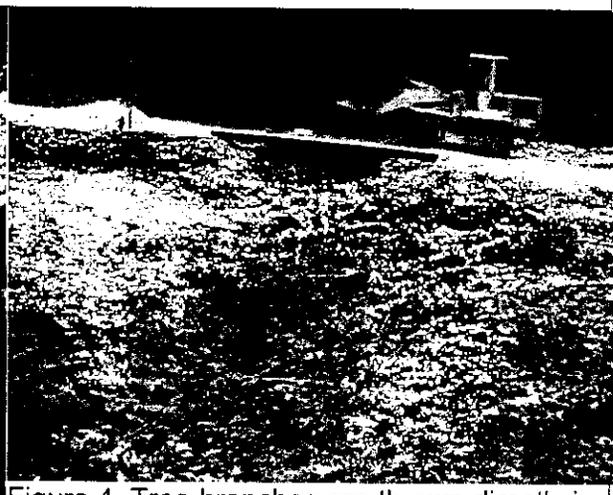


Figure 4. Tree branches are thrown directly in the stream.