Ohio | Environmental Protection Agency

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

June 2, 2011

RE: CUYAHOGA COUNTY
CITY OF NORTH ROYALTON
WORTHINGTON SUBDIVISION
CONSTRUCTION STORM WATER

Mr. Doug Leohr
Abbey/Royalton LLC
387 Medina Road #600
Medina, OH 44256

Dear Mr. Leohr:

On May 25, 2011, I performed an inspection at the above-referenced site to determine compliance with the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC02134*AG & #3GC02135*AG. Our records indicate that Abbey/Royalton LLC was granted coverage under the NPDES permit on December 13, 2005.

It appears that most construction activities are complete and the site has been stabilized. Please be aware that NPDES permit coverage must be terminated within 45 days of when the site reaches final stabilization. Final stabilization means that either:

1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) has reached a growth density of 70% or greater on all unpaved areas and areas not covered by permanent structures. Equivalent stabilization measures such as the use of landscape mulches, rip-rap or gabions may be employed, where appropriate, in lieu of vegetation. In addition, all temporary erosion and sediment control practices must be removed and disposed and all sediment trapped by these practices must be permanently stabilized; **or**

2. For individual lots in residential construction by either:
   a. The homebuilder completing final stabilization as specified above or
   b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

In addition, post-construction water quality best management practices (post-construction BMPs) must be installed and a long-term maintenance plan must be provided to the party that will be responsible for long-term maintenance of those practices, e.g., homeowners' association. Post-construction BMPs are permanent site features that will remain in perpetuity to improve the quality of storm water runoff from

the development site. Examples of post-construction BMPs include, but are not limited to, extended detention basins, bioretention cells (or "rain gardens"), sand filters, permeable pavement and enhanced swales. In some cases post-construction BMPs include non-structural preservation areas such as riparian setbacks and conservation easements.

For subdivided developments, the developer may terminate NPDES permit coverage before all lots are built upon if areas disturbed during construction have been permanently stabilized, centralized sediment controls are no longer required, and post-construction BMPs are installed. However, any future construction on those lots will require NPDES permit coverage, i.e., a new NOI and permit fee must be submitted to Ohio EPA and an SWP3 for the lot must be developed. This means that the subsequent permittee must provide on-lot sediment and erosion controls and, if not provided within the original larger common plan of development, on-lot post-construction BMPs. The developer must disclose this obligation at the time of lot sale.

Please review your site to determine if it has reached final stabilization and ensure that post-construction BMPs have been installed. *Please consult with Mark Schmitzer, MS4 Program Manager to make this determination.* If you determine that your site has reached final stabilization, you must submit a Notice of Termination (NOT) to Ohio EPA to terminate NPDES permit coverage. The form and instructions are available on our website at www.epa.ohio.gov/dsw/storm/stormform.aspx. If you determine that your site does not yet qualify for an NOT, please provide me with a letter of explanation indicating why NPDES permit coverage cannot yet be terminated. Please submit the NOT or letter of explanation no later than June 16, 2011.

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

Sincerely,

Tim McParland
Assistant to the District Engineer
Division of Surface Water

TM/mt

cc: Mark Schmitzer, City of North Royalton, Engineer & MS4 Program Manager
Robert Stefanik, City of North Royalton, Mayor
Cuyahoga County SWCD