

**Environmental
Protection Agency**

John Kasich, Governor
Robert F. Fisher, Lt. Governor
James M. Conroy, Director

November 29, 2010

RE: CUYAHOGA COUNTY
CITY OF NORTH ROYALTON
TIMBERLANE SUBDIVISION PH 4A
CONSTRUCTION STORM WATER

Mr. Joseph Lechko
Winding River Development LLC
1201 Riverwoods Drive
Hinckley, OH 44233

Dear Mr. Lechko:

On October 21, 2010, I visited the above referenced site in response to a citizen inquiry. The citizen expressed concerns that storm water discharges associated with construction activities had occurred without coverage under a National Pollutant Discharge Elimination System (NPDES) Permit. The complainant indicated that this development was to originally include 6 development lots but plans were modified to allow construction on one of the house lots to proceed. The size of the individual house lot was 1.9 acres. The citizen wanted to verify that the appropriate storm water permits were obtained for the house construction.

Ohio EPA records indicate that Winding River Development LLC obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04645*AG on September 28, 2009. The Notice of Intent (NOI) submitted to obtain NPDES permit coverage indicates that the larger common plan of development or sale will disturb 4 acres of land. The site vicinity map did not include the boundaries of disturbance to determine if those 4 acres included the parcel with frontage on Crystal Lakes Drive. As a result, I consulted with Dan Collins, Engineer for the City of North Royalton.

Mr. Collins indicated that although the parcel on Crystal Lakes Drive was part of the same parcel as Timberlane Subdivision Ph 4A, it was split off as Parcel 2 and sold to the future homeowner to allow construction of the home while Winding River Development LLC worked through various permitting and plan approval issues for Timberlane Ph 4A. The plan of development on the Crystal Lakes Drive lot was independent of construction activities that will occur for Timberlane Subdivision Ph 4A and, thus, was viewed as a separate construction activity. The size of this parcel was indeed 1.9 acres, however the plan called for less than 1 acre of disturbance on this parcel. As such, the City did not verify NPDES permit coverage when the home was constructed before issuing local approvals to construct the home. Further, Mr. Collins stated the plans for Timberlane Subdivision Ph 4A have not changed since the date of

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NPDES permit issuance and showed me a copy of the storm water pollution prevention plan (SWP3). I was able to verify that the SWP3 did not include the parcel on Crystal Lake Drive.

Authorization to discharge storm water associated with construction activities is only required if the larger common plan of development disturbs 1 or more acre of land. My site visit revealed that a large section of the building lot in question was preserved in its natural state via a conservation easement. Although disturbance is likely close to 1 acre of land, construction activities on the parcel are complete and disturbed areas have been permanently stabilized. There were no violations of NPDES regulations on the date of inspection. Ohio EPA believes the City of North Royalton acted appropriately to consider this construction activity as separate from that of Timberlane Estates Ph 4A.

No recent construction activity was evident on the Timberlane Estates Ph 4A site. Any areas disturbed by past construction activities (clearing and filling) were vegetated. As such, no violation of NPDES regulations were observed at the Timberlane Estates Ph 4A site.

As such, Ohio EPA considers this complaint to be resolved without issue. When construction activities within Timberlane Estates Ph 4A resume, please be sure to implement controls as indicated in the SWP3 and inspect them once every 7 days and within 24 hours of a 0.5-inch or greater rainfall to ensure their effectiveness.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Dan Collins, Engineer, City of North Royalton
Todd Houser, Cuyahoga SWCD

TIMBERLANE SUBDIVISION PH 4A
City of North Royalton Cuyahoga County

Photos Taken: October 21, 2010
By: Dan Bogoevski, DSW, NEDO



Fig 1. Construction on the house lot off Crystal Lake Drive is complete and disturbed areas have been vegetated. Disturbance patterns match those shown on the development plan submitted to the City of North Royalton.