



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 25, 2010

RE: LAKE COUNTY
GRAND RIVER WATERSHED
CITY OF PAINESVILLE
PAINESVILLE HARVEY HIGH SCHOOL

Mr. Michael Hanlon Jr., Ph.D.
Painesville Local City School District
Board of Education
58 Jefferson Street
Painesville, OH 44077

Dear Dr. Hanlon:

On March 22, 2010, Ohio EPA authorized Bentley Excavating to discharge storm water from the above referenced construction site under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04847*AG. It is our understanding that the construction activities covered under NPDES permit #3GC04847*AG involve the demolition of the old Harvey High School building and subsequent vegetation of that area.

However, upon review, it appears that additional operators must seek NPDES permit coverage before construction can begin. Namely, it appears that the Painesville Local City School District is the primary operator of this project and Bentley Excavating is the contractor selected to conduct the construction activity on behalf of the school district. The NPDES permit defines the term operator as any party that meets either of the following two criteria:

- (1) The party has operational control over construction plans and specifications, including the ability to modify those plans and specifications, or
- (2) The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with the Storm Water Pollution Prevention Plan (SWP3) or other permit condition.

As the property owner, the Painesville Local City School District meets the criteria in item (1) above. As such, the Painesville Local City School District must obtain coverage under the NPDES permit.

To obtain coverage, please complete the attached Co-Permittee Notice of Intent (Co-Permittee NOI) and submit it to Ohio EPA prior to the start of demolition activities. The form should be submitted to:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

Mr. Michael Hanlon Jr., Ph.D.
Painesville Harvey High School
March 25, 2010
Page 2

There is no fee to file this form.

Also, please note that Ohio EPA records indicate that the Painesville Local City School District has four (4) active NPDES permits for school construction projects that may be complete at this time. The list includes the following:

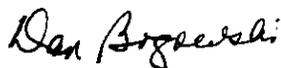
- 3GC02270*AG – Painesville South Elementary School
- 3GC02273*AG – Heritage Middle School
- 3GC02274*AG – Heritage Middle School
- 3GC03281*AG – Harvey High School

It is our understanding that these NPDES permits were obtained to construct new or improve existing school buildings. If these construction activities are now complete and the projects have reached final stabilization, please terminate NPDES permit coverage by submitting a Notice of Termination (NOT) for each of these permits. "Final stabilization" means all soil disturbing activities at the site are complete and a uniform perennial vegetative cover with a density of at least 70% has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures. In addition, all temporary erosion and sediment controls practices are removed, all trapped sediment has been permanently stabilized and all post-construction (permanent) storm water management practices have been installed. The NOTs should be submitted to the same address as the Co-Permittee NOI. There is no fee to submit these forms.

Finally, once the demolition of Harvey High School is complete and the area disturbed has been revegetated or otherwise permanently stabilized, please be sure that the school district and Bentley Excavating submit an NOT for NPDES permit #3GC04847*AG.

Your cooperation in this matter is greatly appreciated. If you have any questions, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Michael Joseph, Ohio EPA, DSW, CO
Doug Routzahn, Bentley Excavating