



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

November 25, 2009

RE: LORAIN COUNTY
BEAVER CREEK WATERSHED
AMHERST TWP.
COPPER CREEK SUBDIVISION

Rob Perritt
J & J Development
630 Maple Creek Dr.
Amherst, OH 44001

Dear Mr. Perritt:

Ohio EPA has recently received a citizen inquiry regarding storm water management as it relates to runoff from the 5 lots at the rear of the subdivision that abut the unnamed tributary of Beaver Creek, known locally as Duck Creek. The citizen is concerned that no storm water management is being provided for runoff from these lots and that this will have an impact on water quality and increase flooding. Our records indicate that storm water runoff from the Copper Creek Subdivision has been authorized under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC03159*AG.

Part III.G.2.e of the NPDES permit requires all runoff from developed areas to be treated prior to discharge. For sites where the larger common plan of development or sale disturbs 5 or more acres, treatment must be provided in a BMP capable of treating the Water Quality Volume (WQv). Copper Creek is a development that disturbs more than 5 acres of land. Site plans for this development show that the majority of the runoff will be routed through a detention basin that has been designed per Ohio EPA requirements. However, due to topography, it does not appear that the runoff from the rear of the 5 lots in question can be directed to the detention basin.

This letter will serve as a request to clarify how post-construction runoff from the 5 lots along Duck Creek will be treated to meet the post-construction requirements of the NPDES permit. If runoff cannot be routed to the detention basin, other measures will be required. The NPDES permit provides for these options:

- An on-lot control such as a rain garden or bioretention cell (see enclosure),
- Preserving a riparian setback of native vegetation for a distance appropriate for Duck Creek. Riparian setbacks are most often based on the size of the drainage area upstream of the development. In NE Ohio, the most common setbacks are:

ROB PERRITT
NOVEMBER 25, 2009
PAGE 2

1. A minimum of 120 feet on each side of all designated watercourses draining an area equal to or greater than 20 square miles,
2. A minimum of 75 feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to 20 square miles,
3. A minimum of 25 feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile.

These areas would be "no construction" zones, left in their natural, pre-development state.

- Providing supplemental BMPs in other areas of the site that serve to reduce the total volume of runoff discharged from the development. The volume of runoff harvested by these BMPs should be equal to the volume of runoff that will not be routed through the detention basin. Supplemental BMPs capable of reducing runoff volume include rain barrels, green roofs and permeable pavements.

Please review the situation regarding the 5 lots in question and provide me with a response as to which course of action you will take. Even if you cannot route the rear yards to the detention pond, you can probably route the rooftop runoff and front yards from these homes to the pond. This would leave only the rear yards of these lots untreated. If this area is insignificant in size and you can demonstrate that the options provided in the NPDES permit are infeasible, Ohio EPA may exempt this area from the post-construction requirements of the NPDES permit. Please submit your response or request for exemption with appropriate documentation **by December 18, 2009**.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB:bo

pc: Nancy Funni, Lorain SWCD
Linda Eckhart, Lorain County Engineers Office
Trustees, Amherst Twp.