



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 15, 2009

RE: LORAIN COUNTY
PORTER CREEK WATERSHED
CITY OF AVON
RICHARD E. JACOBS
FAMILY HEALTH CENTER

Mr. Dave Doren
Cleveland Clinic Office of Construction
9500 Euclid Ave – CC4
Cleveland, OH 44195

Mr. Tim Carter
Donley's
5430 Warner Road
Cleveland, OH 44125

Dear Mr. Doren and Mr. Carter:

On December 2, 2009, I performed a compliance inspection for storm water best management practices (BMPs) at the above referenced construction site. I used the Storm Water Pollution Prevention Plan (SWP3) approved by the City of Avon as my basis of inspection. I was accompanied by Jim Piazza of the City of Avon (storm water program manager), Bob Papotto and Mike Higgins of Bramhall Engineering (engineers for the City of Avon), Tim Carter of Donley's (site general contractor), Dave Smith of Sitetech Inc. (site excavation contractor), and Greg Cifra of URS (project engineers). Our records indicate that storm water discharges from this project are covered under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC04676*AG.

My inspection revealed the following:

Discrepancies Between NOI and SWP3

Please be aware that the construction activity depicted in the SWP3 must correspond with the area of disturbance reported on the Notice of Intent (NOI) submitted to obtain NPDES permit coverage and the map attached to the NOI. There appear to be discrepancies in the information contained in the SWP3 and the information submitted with the NOI.

- The NOI indicates that construction will disturb 18.6 acres of land. The SWP3 approved by the City of Avon indicates that total clearing is 17.76 acres with an unspecified amount of "additional clearing limits" shown. It is unclear whether the additional clearing limit areas are the additional 0.84 acres authorized under the NPDES permit.
- The map attached to the NOI does not correspond with the limits of disturbance shown on the SWP3. The instructions for filling out the NOI state: *The map shall clearly show the location of the project with its perimeter outlined and existing*

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adjacent identifiable roads. The perimeter of the project is the boundaries that ground disturbance will occur within and for which a storm water pollution prevention plan has been developed. Thus, the boundaries shown on the map submitted with the NOI must correspond with the boundaries of disturbance shown on the SWP3. NPDES permit coverage only extends to areas shown within the clearing limits of the SWP3.

Please clarify the discrepancies noted above and submit any amendments made to the NOI, map or SWP3 to address them.

Administrative Concerns

- All parties that meet the definition of Operator contained in Part VII of the NPDES permit must obtain NPDES permit coverage. There is no record of a co-permittee Notice of Intent (co-permittee NOI) submitted for this project. Our discussion on site indicates that Donley's manages the day-to-day operations on the construction site and thus, meets the definition of Operator. Donley's must submit a co-permittee NOI immediately. **Failure to submit a co-permittee NOI prior to working at the site is a violation of Part II.A of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07.** Donley's will remain in violation of the NPDES permit until a co-permittee NOI is submitted.
- Other administrative matters were in compliance with NPDES permit requirements. Sitetech and Edwards has signed a document acknowledging their responsibilities under the SWP3, records of weekly and rain event inspections are being conducted by Sitetech and Ohio EPA has verified Section 401 and 404 permit coverage for impacts to wetlands required to develop the current phase of development.

Implementation of the SWP3

- Contractors are accessing the site through an unauthorized construction entrance. All traffic must enter and exit the site from one of the two rock construction entrances depicted on the SWP3. Donley's was instructed to prevent construction vehicles from entering or exiting the site from the existing farm road and to redirect traffic to one of the two authorized entrances. Mr. Carter indicated that he would place a barrier across the farm road to discourage its use.
- The sediment basin and perimeter diversion swales have not been constructed prior to grading areas they are intended to control. The NPDES permit requires all perimeter controls and sediment basins to be installed within 7 days of first grubbing and prior to grading the contributing drainage area. On the date of inspection, contractors were in the process of establishing the sediment basin, but the diversions were not even started. Donley's was instructed to complete the sediment basin and install the diversions as shown on the SWP3. Mr. Carter indicated that the southern diversion would be completed by December 4, 2009, and the northern diversion would be completed the following week.

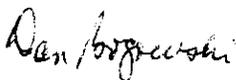
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- Modifications to the sediment basin were discussed in the field. In particular, we discussed construction of the baffle and the angle at which the outlet pipe is being directed at Porter Creek. We suggested constructing the baffle with plywood and extending it only as far from the north end of the pond to achieve the required 4:1 length-to-width flowpath ratio. We further recommended placing the outlet pipe to Porter Creek at an angle to prevent streambank scouring that would occur if the outlet pipe is placed perpendicular to the stream as shown on the SWP3.
- Additional silt fence is needed along Just Imagine Drive to protect road ditches from sedimentation during construction. Mr. Carter indicated that these ditches are scheduled to be filled. However, until that occurs, silt fence is needed to prevent sediment-laden runoff from flowing into the ditches and getting off-site.
- Additional silt fence was recommended along the future entrance drive off Nagle Rd (Cleveland Clinic Blvd) and along the stream and wetlands by the additional clearing area along the west property boundary south of this drive.
- A spill kit is needed in the vicinity of the fuel tank. Although the fuel tank is double-walled, a spill kit is needed to clean up any spills that may occur during the fuel transfer process into and out of the tank.

Please provide me with a letter of response indicating the actions you have taken to address the concerns noted above. If corrective action has not been completed, please provide me with a schedule to complete the action. Your response should be received no later than December 31, 2009.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Jim Piazza, Storm Water Program Manager, City of Avon
James Smith, Mayor, City of Avon
Bob Pappotto, Bramhall Engineering
Dave Smith, Sitetech Inc.
Greg Cifra, URS