



Environmental  
Protection Agency

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

January 12, 2011

RE: LORAIN COUNTY  
BLACK RIVER WATERSHED  
EATON TWP.  
BARRINGTON PARK PH 4

Mr. Robert Yost  
North Grafton Realty LLC  
260 S. Logan St.  
Elyria, OH 44035

Dear Mr. Yost:

Ohio EPA is in receipt of your response letter dated January 3, 2011, and the additional information provided by KS Associates dated January 7, 2011. This material was submitted in response to my Notice of Violation (NOV) dated December 20, 2010. Our records indicate that North Grafton Realty LCC (NGR) has obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit #3GC05024\*AG for this construction activity. The following issues need further response:

**Storm Water Pollution Prevention Plan**

My NOV specifically asked that NGR submit a copy of the complete Storm Water Pollution Prevention Plan (SWP3) with your response. NGR has not provided Ohio EPA with a copy of the complete SWP3. Thus, **NGR is in violation of Part III.C.2.b.i of the NPDES permit and Ohio Revised Code 6111.04 and 6111.07** for failure to submit the SWP3 to Ohio EPA within 10 days of written request, and will remain in violation until the SWP3 is received.

The SWP3 was requested because my inspection on December 6, 2010, revealed that the sediment ponds had not been constructed per the existing construction drawings. In particular, there seemed to be elevational discrepancies between the plan and what was actually constructed on site that affect the ability of the sediment traps to dewater between storms as intended by the NPDES permit and design specifications contained in ***Rainwater and Land Development*** (ODNR, 2006). Ohio EPA needs to ensure that any changes in design or construction are reflected in the SWP3 as required by Part III.D of the NPDES permit. Although your response indicates that elevations have been corrected on site and [plan] updates have been provided to Lorain SWCD, Lorain SWCD indicates that they have not received any updates to the SWP3 in regards to this matter and could not confirm that site corrections have been made.

Please submit a copy of the SWP3 to me as previously requested and explain the actions taken to correct the elevational discrepancies to achieve functional sediment traps. Please be sure that the plan reflects any amendments made to the plan. Keep in mind that Ohio EPA is not requesting a full set of construction drawings. Although some of the construction drawings are pertinent to the SWP3 and are to be included in the SWP3, an SWP3 is largely a narrative document which explains the storm water control scheme both during construction and post-construction. An overall site map that indicates the storm water inputs and points of discharge of runoff from Barrington Park Ph 4 must also be included in addition to contractor certifications,

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logs which document the progression of earth disturbance and site stabilization, pertinent calculations demonstrating compliance with pond sizing and discharge rate requirements, and guidance for conducting the self-inspections required once every 7 days and within 24 hours of a 0.5-inch or greater rainfall. The plan must also include a stand-alone maintenance plan for all post-construction BMPs. Further guidance on the contents of an SWP3 is available from the US EPA at [www.epa.gov/npdes/stormwater/construction](http://www.epa.gov/npdes/stormwater/construction).

### **Post-Construction Best Management Practices**

The response from KS Associates states that the existing easterly storm water basin has been designed to meet Ohio EPA post-construction requirements. However, no supporting calculations or stage-storage data were submitted and there is no map to indicate the size and boundaries of the drainage area that will be treated by the basin. Ohio EPA needs this information to ensure that compliance with the NPDES permit is being met now and in the future when additional phases of the Barrington Park subdivision are built. This information should be included within the SWP3.

Finally, Ohio EPA is willing to accept Mr. Keefe's assertion that modifications to permanently lengthen the flow path between inlet and outlet are not feasible for the existing easterly basin now that it has partially been constructed, however please be sure that any future storm water pond is designed such that the minimum recommendations in the ***Rainwater and Land Development*** manual (ODNR, 2006) regarding length-to-width ratio are met.

Please provide me with the SWP3, as requested, so we can ensure compliance with the NPDES permit. Please submit the plan **no later than January 21, 2011**.

If you have any questions or would like to meet to discuss these issues, please contact me at (330) 963-1145.

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB/mt

cc: Nancy Funni, Lorain SWCD  
Wayne Mileti, Lorain County Engineers Office  
Jeff Keefe, KS Associates  
Trustees, Eaton Twp.