



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 23, 2009

RE: LORAIN COUNTY
BLACK RIVER WATERSHED
CITY OF NORTH RIDGEVILLE
SANDY RIDGE SUBDIVISION

Mr. Bob Yost
Sandy Ridge Development Co.
260 S. Logan St.
Elyria, OH 44035

Dear Mr. Yost:

In response to a recent citizen inquiry, Ohio EPA reviewed the Storm Water Pollution Prevention Plan (SWP3) for the above referenced development site. In particular, the agency reviewed the SWP3 to determine if it included a long-term maintenance plan for post-construction best management practices (post-construction BMPs). The SWP3 and long-term maintenance plan are requirements of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #OHC000002. Our records indicate that Sandy Ridge Development Co. obtained coverage under the NPDES permit on June 6, 2005, and was assigned a facility permit number of 3GC01675*AG.

Part III.G.2.e of the NPDES permit states that the SWP3 must provide detail drawings and maintenance plans for all post-construction BMPs. The SWP3 for Sandy Ridge Subdivision indicates that the post-construction BMP is the wet extended detention pond located along the western perimeter of the site. The NPDES permit further states that maintenance plans shall be provided by the permittee to the post-construction operator of the site (including homeowner associations) upon completion of construction activities (prior to termination of NPDES permit coverage).

Long-term maintenance plans should be stand-alone documents. An acceptable plan contains (1) a designated entity for storm water inspection and maintenance responsibilities, (2) the routine and non-routine maintenance tasks to be undertaken, (3) a schedule for inspection and maintenance, (4) any necessary legally binding maintenance easements and agreements and (5) a map showing all access and maintenance easements. Plans must ensure that pollutants collected within structural post-construction practices be disposed of in accordance with local, state and federal regulations.

A review of the SWP3 for the Sandy Ridge Subdivision does not indicate that a long-term maintenance plan for post-construction BMPs has been developed. As such, it appears that Sandy Ridge Development Co. is in violation of Part III.G.2.e of the NPDES permit. Be aware that failure to comply with the NPDES permit is a violation of Ohio Revised Code (ORC) 6111.04 and 6111.07. Violations of ORC 6111 are punishable by fines.

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If a long-term maintenance plan for post-construction BMPs at the Sandy Ridge Subdivision exists, please provide me with a copy **no later than December 7, 2009**.

Further, the citizen inquiry indicates that maintenance responsibilities for the pond have been turned over to the homeowners association. Please be aware that maintenance of the pond cannot be turned over to the homeowners association at this time. Construction activities within the Sandy Ridge Development are on-going. The SWP3 indicates that the pond is to serve a sediment control function during the construction process. Part III.G.2.h of the NPDES permit requires Sandy Ridge Development Co. to maintain sediment controls in a functional condition until areas within their contributing drainage areas that were disturbed by construction reach final stabilization. As such, Sandy Ridge Development Co. must maintain the pond until construction is complete and a uniform perennial vegetative cover with a growth density of at least 70% has been established on all unpaved areas and areas not covered by permanent structures or equivalent stabilization measures (such as landscape mulches, rip-rap, gabions and geotextile).

However, once final stabilization is achieved, maintenance responsibilities for the pond can be turned over to the responsible parties identified in the long-term maintenance plan. It is my understanding that the responsible parties include the homeowners association for the single family homes, the homeowners association for the cluster homes and the Center Ridge Health Campus. Please be sure to provide a copy of the long-term maintenance plan to these entities upon completion of construction activities, as required by the NPDES permit.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Larry Griffith, Engineer, City of North Ridgeville
G. David Gillock, Mayor, City of North Ridgeville
Bob Heitzman, Ohio EPA, DSW, CO