



Environmental
Protection Agency

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

June 16, 2011

RE: Medina County
Rose of Sharon Phase 3
NPDES Permit No. OHC000002
Ohio EPA Permit No. 3GC01840*AG
Construction Storm Water Inspection

Mr. James Navratil
James Navratil Development Co
P.O. Box 350
Sharon Center, OH 44274

Dear Mr. Navratil:

On May 17, 2011, Ohio EPA received a complaint alleging that the Rose of Sharon subdivision located on Fairfield Lane, north of Ridgewood Road, west of State Road, and east of Ridge Road was causing excessive storm water runoff to be directed to a neighboring property to the east.

On May 20, 2011, Ohio EPA conducted a storm water inspection at Rose of Sharon Phase 3, located on Fairfield Lane north of Ridgewood Road, Sharon Township, Medina County (site). The site was represented by you. Ohio EPA records indicate that the site is covered by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GC01840*AG.

On May 31, 2011, you submitted a copy of the site's storm water pollution prevention plan (SWP3) to Ohio EPA for review. The findings of the storm water inspection and review of the SWP3 are as follows:

Storm Water Inspection

- Storm water runoff was being discharged from the site via a storm water basin located adjacent to sublots 1 and 2, an approximately eighteen inch (18") pipe located on subplot 4, and the diversion ditch/swale located between sublots 9 and 10. It appears that the site has not installed post-construction storm water management best management practices (BMP) in order to protect the receiving stream's physical, chemical, and biological characteristics and maintain stream functions.
- Two lots are currently under construction on the site and the storm water runoff from these areas is not being directed to a centralized basin for treatment. As a result, individual lot erosion and sediment control best management practices (BMP) are required. No individual lot BMPs were installed on the two lots to prevent the discharge of pollutants to surface waters of the State. The proper installation of silt fence, contained concrete washout areas, and temporary stabilization is required. Open burning of solid waste was also documented to be occurring on the KNL

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Custom Homes, Inc. individual lot. Please note that this matter has been forwarded to Ohio EPA's Division of Air Pollution Control for resolution. Should you have any question related to open burning of solid waste, please contact the Akron Regional Air Quality Management District at (330) 375-2480.

Storm Water Pollution Prevention Plan

- Part III.G.2 of the General Storm Water Permit requires all large construction sites to incorporate structural post-construction storm water management BMPs into the permanent drainage system in order to protect a receiving stream's physical, chemical, and biological characteristics and maintain stream functions. The site's storm water pollution prevention plan (SWP3) does not include structural post-construction storm water management BMPs to address the storm water basin located between sublots 1 and 2, the diversion ditch/swale located between sublots 9 and 10, and the roof drains/downspouts associated with all the homes to be constructed on the site. The SWP3 must be revised to include structural post-construction storm water management BMPs to address the storm water runoff from these areas.
- Part III.C.3 of the General Storm Water Permit states that within ten days of receiving notice that the SWP3 for the site is deficient, the permittee shall make the required changes to the SWP3 and, if requested, shall submit to Ohio EPA the revised SWP3 or a written certification that the requested changes have been made. This notification also serves to request a copy of the revised SWP3 for the site, design details, sizing calculations, and water quality calculations for the site be submitted to my attention for review.

Co-Permittee Notice of Intent

- Part II.A of the General Storm Water Permit requires that "if more than one operator, as defined in Part VII of this general permit, will be engaged at a site, each operator shall seek coverage under this general permit. Where one operator has already submitted an NOI prior to other operator(s) being identified, the additional operator shall request modification of coverage to become a co-permittee. In such instances, the co-permittees shall be covered under the same facility permit number. No additional permit fee is required."

For your convenience, Part VII.O of the General Storm Water Permit defines an operator as "any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications;
or

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2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with an SWP3 for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

As set forth in Part II.A, there can be more than one operator at a site and under these circumstances, the operators shall be co-permittees.”

Ohio EPA records do not indicate that all operators of the site have obtained General Storm Water Permit coverage. It appears that KNL Custom Homes, Inc. and Steven W. Moore Building Corp. are co-permittees and must submit the Co-Permittee Notice of Intent (NOI) Application Form to Ohio EPA within seven days of receiving this notification. For your convenience, the Co-Permittee NOI Application Form can be obtained from the following website:

<http://www.epa.ohio.gov/dsw/storm/stormform.aspx>

Should you have any questions regarding this matter, please contact me at your earliest convenience at (330) 963-1118 or via email at chris.moody@epa.ohio.gov.

Sincerely,



Chris Moody
Environmental Specialist II
Division of Surface Water

CM/mt

cc: Nils Johnson, Cunningham & Associates, Inc.
Mike Salay, Medina County Highway Engineer
KNL Custom Custom Homes, Inc.
Steven W. Moore Building Corp.

ec: Ed Fasco, Ohio EPA, NEDO, DAPC
Ann Turley