



Environmental
Protection Agency

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

June 30, 2011

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

Mr. James Navratil
James Navratil 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 Sharron 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 Sharron Phase 3, located on Fairfield Lane north of Ridgewood Road, Sharron Township, Medina County (site). Via a letter dated June 16, 2011, Ohio EPA notified you of the inspection findings and required specific corrective actions to be initiated.

On June 27, 2011, Ohio EPA received your letter of response, dated June 22, 2011 (response letter) which stated "Rose of Sharon received approval of your office granting us the necessary Ohio EPA Permit No. 3GC018400*AG prior to our development of the new road and 18 sublots in the fall of 2005. Our development has not caused any damages to anyone nor has it created any water drainage issue for the neighboring parcels other than what water issues were already a part of the State Road residents problem prior to our site development." In addition, the letter states "[w]e constructed our development in accordance with plans approved by both the County of Medina and the Ohio Environmental Protection Agency on 2005. The attempt to impose restrictions added after the fact is unfair and nonproductive in this case. The entire development was designed and built in compliance with EPA regulations and your approval of the plans in 2005 are evidence."

Ohio EPA disagrees with the above assessment with the following:

- Ohio EPA records indicate that the site was authorized by General National Pollutant Discharge Elimination System Permit for Storm Water Associated with Industrial Activity (General Storm Water Permit), permit No. 3GC01840*AG, on

Mr. James Navratil
Rose of Sharron Phase 3
June 30, 2011
Page 2

August 10, 2005. Part III.B of the General Storm Water Permit establishes that "a SWP3 shall be completed prior to the timely submittal on a NOI [Notice of Intent] and updated in accordance with Part III.D... [and] must be implemented upon initiation of construction activities." Ohio EPA's authorization does not mean that the site's storm water pollution prevention plan (SWP3) has satisfied the requirements established within Part III.G of the General Storm Water Permit;

- Ohio EPA records do not indicate that a review of the site's SWP3 was performed by Ohio EPA to determine compliance with Part III.G of the General Storm Water Permit prior to receiving a copy of the site's SWP3 on May 31, 2011. Since the site received authorization, the SWP3 was to include the specific items detailed within Part III.G of the General Storm Water Permit. One of the specific items, as detailed within Part III.G.2.e of the General Storm Water Permit, is the inclusion of structural post-construction storm water management best management practices (BMP) that are to be incorporated into the permanent drainage system for the site for the purposes of detaining storm water runoff for the protection of the stream channels, stream erosion control, and improved water quality; and
- Part III.C.3 of the General Storm Water Permit requires that "the director or authorized representative, may notify the permittee at any time that the SWP3 does not meet one or more of the requirements of this part. Within 10 days after such notification from the director or authorized representative, 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." Via Ohio EPA's June 16, 2011 letter, Ohio EPA notified you that the site's SWP3 does not satisfy the post-construction storm water management requirements established within Part III.G.2.e of the General Storm Water Permit and requested copies of the revised SWP3 and additional post-construction storm water management information to be submitted to Ohio EPA. As of the date of this correspondence, the requested copies of the revised SWP3 and additional post-construction storm water management information has not been received by Ohio EPA.

Ohio EPA acknowledges that the storm water discharges associated with the site may not be the only source impacting the complainant; however, in order to resolve the complaint that has been received, the SWP3 must be revised to include the structural post-construction storm water BMPs that are to be incorporated into the permanent drainage system for the site, as required within Part III.G.2.e of the General Storm Water Permit. **Within ten days of receiving this letter, the following information must be submitted to Ohio EPA for review:**

Mr. James Navratil
Rose of Sharron Phase 3
June 30, 2011
Page 3

- A copy of the revised SWP3 for the site, detail drawings, a long term maintenance plan, sizing calculations, and water quality calculations; and
- Co-Permittee NOI application forms for KNL Custom Homes, Inc. and Steven W. Moore Building Corp.

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.