



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 28, 2009

RE: PORTAGE COUNTY  
CUYAHOGA RIVER BASIN  
CITY OF STREETSBORO  
MEADOWVIEW SUBDIVISION PHASE 3

NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Daniel J. Neff  
Streetsboro Land Group LLC  
25700 Science Park Drive Suite 270  
Beachwood, Ohio 44122

Dear Mr. Neff:

On April 23, 2009, this office performed a compliance inspection of storm water best management practices (BMPs) at the above referenced site in response to concerns about the lack of storm water management at this site. Our records indicate that this site is covered by Ohio EPA General Storm Water Permit for Construction Activities # 3GC03985\*AG.

The inspection revealed the following violations:

- **Failure to initiate the temporary stabilization of disturbed areas within 7 days of the last disturbance if they are to remain dormant for 21 days or longer.** This is a violation of Part III.G.2.b.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. Numerous areas of bare soil were observed throughout the site, which has not been worked for several months.
- **Failure to initiate the temporary or permanent stabilization of disturbed areas within 50 feet of a stream within 2 days of the last disturbance.** This is a violation of Part III.G.2.b.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The banks of the stream running through the property have not been properly stabilized with vegetation and the site has not been worked for several months.
- **Failure to leave a buffer of 25 feet undisturbed along a surface water of the state.** This is a violation of Part III.G.2.a of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. The stream running through the site has been severely impacted by sediments runoff from unstabilized areas. It must be cleaned out and the banks stabilized with vegetation.
- **Failure to maintain the working order of sediment basins and perimeter sediment barriers until the upslope development area has been re-stabilized.** The outlets of the sediment basins were not operating correctly and collected waters were bypassing the surface skimmers and flowing directly into the outfall pipe. The outlet structure of the northern basin appeared to not be installed correctly and was being held down by

cement bags. Both outlet structures must be reinstalled or repaired and maintained to work as designed. Gullies and rills were observed forming on the side banks of the basins. These areas should be regarded and stabilized with vegetation and mulch netting as needed. Rock riprap underlain with filter fabric should be placed under the inlet pipe in the south pond to prevent erosion. Accumulated sediments in the basins must be removed and placed upland for disposal. Perimeter silt fencing was observed to be failing in some areas. The silt fence must be replaced as necessary and maintained. Accumulated sediments behind the silt fence must be removed and placed upland for disposal.

- **Failure to install inlet protection on storm sewer grates.** This is a violation of Part III.G.2.d.iv of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. Storm water gullies on the site were observed leading to a cement storm sewer inlet that although covered, allowed sediment laden storm water to directly enter the stream flowing through the site. As noted above this stream must be cleaned out and the accumulated sediments placed upland for disposal.
- **Failure to maintain a 25 feet setback from any surface water of the state.** This is a violation of Part III.G.2.d.v of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. As noted above the stream flowing through the site has been severely impacted by sediments flowing from the unstabilized areas of bare soil on the site. The stream must be cleaned out and the banks stabilized with vegetation.
- **Failure to protect adjacent streams from the impact of sediment laden runoff.** This is a violation of Part III.G.2.d.v of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. See above.
- **Failure to modify or replace any control which has been found inappropriate or installed incorrectly.** This is a violation of Part III.G.2.d.vi of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. See above notes regarding the sediment basin outlet structures. These must be repaired or replaced immediately.
- **Failure to direct concentrated storm water runoff through a sediment pond prior to discharging it from the site.** This is a violation of Part III.G.2.g.iv of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. As noted above, storm water gullies were observed leading to a cement storm sewer inlet that allowed sediment laden storm water to directly enter the stream.
- **Failure to maintain/repair BMPs as needed to assure that they remain in a functional condition until all upslope areas are re-stabilized.** This is a violation of Part III.G.2.h of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. See above.
- **Failure to inspect all BMPs at least once every 7 days and within 24 hours of a 0.5" or greater rainfall.** This is a violation of Part III.G.2.i of the NPDES Permit and Ohio

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Revised Code (ORC) 6111.04 and 6111.07. It appeared that no inspections have been occurring as no repairs/maintenance of existing BMPs have been made.

- **Failure to repair or maintain any BMP other than a sediment pond within 3 days of the BMP inspection.** This is a violation of Part III.G.2.i.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. City of Streetsboro personnel have made previous inspections of the site and notified you of their findings. To date it appears that the items noted by Streetsboro have not been addressed.
- **Failure to maintain or repair a sediment pond within 10 days of the BMP inspection.** This is a violation of Part III.G.2.i.i of the NPDES Permit and Ohio Revised Code (ORC) 6111.04 and 6111.07. As noted above, City of Streetsboro personnel have made previous inspections of the site and notified you of their findings. To date it appears that the items noted by Streetsboro have not been addressed.

**Please be advised that these violations are subject to further enforcement action, including fines of up to \$10,000 per day per violation. You will remain in violation of ORC 6111 until all corrective actions are taken. Under separate cover I am requesting the City of Streetsboro to take appropriate enforcement action as required.**

**Within 7 days of receipt of this letter you are requested to provide this office with a letter of response indicating the corrective actions you will take to address these deficiencies. All corrective actions should be completed by May 29, 2009.**

If you have any questions, please contact me at (330) 963-1117. Thank you for your prompt attention to this matter.

Sincerely,



Kelvin F. Rogers  
Environmental Specialist  
Division of Surface Water

KFR/mt

cc: Mayor Thomas J. Wagoner, City of Streetsboro  
Clerk of Council, City of Streetsboro  
Bruce Terrell, Engineering Director, City of Streetsboro  
Jeff Pritchard, Planning Director, City of Streetsboro

File: stormwater/construction

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