Environmental
Protection Agency

Governor
Lt. Governor
Director

July 26, 2011

RE: STARK COUNTY
LAKE TOWNSHIP
WOODBURY GLEN CONDO &
OFF-SITE WATER MAIN EXT
CONSTRUCTION STORM WATER

Mr. Charles McDonald
McDonald Development Corporation
4901 Spruce Hill Drive #800
Canton, OH 44718

Dear Mr. McDonald:

According to Ohio EPA records, McDonald Development Corporation obtained coverage under the General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for the following construction projects:

1. Permit #3GC01223*AG: Woodbury Glen Condo & Off-Site Water Main Ext – obtained on October 28, 2004
2. Permit #3GC00579*AG: Cleveland Avenue Office Buildings – obtained on January 28, 2004

However, according to the Stark Soil & Water Conservation District (SWCD), which is responsible for inspecting active construction sites, these projects are complete and the sites have been stabilized. Please be aware that NPDES permit coverage must be terminated within 45 days of when a site reaches final stabilization. Final stabilization means that either:

1. All soil disturbing activities at the site are complete and a uniform perennial vegetative cover (i.e., evenly distributed, without large bare areas) has reached a growth density of 70% or greater on all unpaved areas and areas not covered by permanent structures. Equivalent stabilization measures, such as the use of landscape mulches, rip-rap, or gabions, may be employed, where appropriate, in lieu of vegetation. In addition, all temporary erosion and sediment control practices must be removed and disposed, and all sediment trapped by these practices must be permanently stabilized; **or**

2. For individual lots in residential construction by either:
   a. The homebuilder completing final stabilization as specified above or
   b. The homebuilder establishing temporary stabilization, including perimeter controls for an individual lot, prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.

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In addition, post-construction water quality best management practices (post-construction BMPs) must be installed, and a long-term maintenance plan must be provided to the party that will be responsible for long-term maintenance of those practices, e.g., homeowners' association. Post-construction BMPs are permanent site features that will remain in perpetuity to improve the quality of storm water runoff from a development site. Examples of post-construction BMPs include, but are not limited to, extended detention basins, bioretention cells (or "rain gardens"), sand filters, permeable pavement, and enhanced swales. In some cases, post-construction BMPs include non-structural preservation areas such as riparian setbacks and conservation easements.

For subdivided developments, the developer may terminate NPDES permit coverage before all lots are built upon if areas disturbed during construction have been permanently stabilized, centralized sediment controls are no longer required, and post-construction BMPs are installed. However, any future construction on those lots will require NPDES permit coverage, i.e., a new NOI and permit fee must be submitted to Ohio EPA and an SWP3 for the lot must be developed. This means that the subsequent permittee must provide on-lot sediment and erosion controls and, if not provided within the original larger common plan of development, on-lot post-construction BMPs. The developer must disclose this obligation at the time of lot sale.

Please review your sites to determine if they have reached final stabilization and ensure that post-construction BMPs have been installed. If you determine that your sites have reached final stabilization, you must submit individual Notices of Termination (NOTs) to Ohio EPA to terminate NPDES permit coverage. The form and instructions are available on our website at www.epa.ohio.gov/dsw/storm/stormform.aspx. If you determine that your sites do not yet qualify for NOTs, please provide me with a letter of explanation indicating why NPDES permit coverage cannot yet be terminated. Please submit the NOTs or letter of explanation **no later than August 8, 2011**.

If you have any questions, please contact me at (330) 963-1128. You may also contact Phil Rhodes of the Ohio EPA at (330) 963-1136.

Sincerely,

Dean Stoffer for

Michelle Hummel
Assistant to the District Engineer
Division of Surface Water

MH/mt

ec: Julie Berbari, Stark SWCD
Phil Rhodes, DSW, NEDO