



Environmental
Protection Agency

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

March 14, 2011

RE: Wayne County
Killbuck Creek Watershed
Village of Burbank
Griffiths Health Care aka Burbank
Parke Nursing Home

Ms. Marti Saltis Griffiths
Griffiths Health Care Group
2226 Wooster Rd.
Rocky River, OH 44116

Dear Ms. Griffiths:

Ohio EPA has recently received a complaint regarding storm water management at the above referenced facility located at 14976 Burbank Road (SR 83). The complainant indicated that the storm events and snowmelt which occurred during the week of February 28, 2011, resulted in flooding on his property. The complainant fears that the flooding was exacerbated by a culvert installed by Griffiths Health Care Group at the time the Burbank Parke facility was constructed. The complainant indicated that the culvert pipe was placed in an intermittent stream channel and effectively reduced the width of the stream channel for the length of the pipe. The complainant surmises that either the culvert pipe became blocked, was not being maintained or is too small for the watershed it must convey. He is concerned about the damage that occurred during this flood event and that more damage may occur during future storm events. Although I explained that Ohio EPA storm water regulation is not designed to address flooding concerns, the complainant asked me to review storm water management practices at the Burbank Parke Nursing Home site to determine if they are in compliance with our regulations.

Ohio EPA records indicate that Griffiths Health Care Group obtained coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #3GC03560*AG in October 2007. In addition to requiring the implementation of sediment and erosion controls during the construction process, this permit required Griffiths Health Care Group to install storm water best management practices (BMPs) to perpetually manage the quality and quantity of post-construction storm water discharges from the site. The Storm Water Pollution Prevention Plan (SWP3) required by the NPDES permit must identify the BMPs that will be installed, provide a rationale for their selection and provide a plan for their long-term maintenance and operation. For sites where the larger common plan of development or sale disturbs 5 or more acres of land, such as the Burbank Parke project, structural practices must be designed to treat the Water Quality Volume (WQv). Structural practices may include, but are not limited to, BMPs such as wet or dry extended detention basins, constructed wetlands, dry or wet enhanced swales, bioretention cells and sand filters.

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In order to verify compliance with these requirements, Ohio EPA is requesting Griffiths Health Care Group submit the post-construction BMP section of the SWP3 for the Burbank Parke project. Be sure it includes a description of the post-construction BMPs installed, the detail drawings for their installation, sizing calculations, the rationale for their selection and a long-term maintenance plan for their operation and maintenance. Please also include verification, such as a photograph, that these practices have been installed and indicate if any of the maintenance activities listed in the long-term maintenance plan have yet been required. If any of the post-construction BMPs in the SWP3 have yet to be installed, please indicate a date by when construction of these practices is set to occur.

Finally, please note that the installation of a culvert in a stream channel requires a permit from the United States Army Corps of Engineers (the Corps). Please provide me with a copy of any permit obtained from the Corps for this stream impact. If the culvert was not placed within a stream channel or if you believe that a permit was not required to install this culvert, please provide me with a statement to that effect and the basis for that decision.

Please provide me with the requested information no later than **March 25, 2011**. Please be aware that failure to provide me with the requested information will be a violation of Part III.C.2.b of the NPDES permit. Failure to comply with the NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Mayor, Village of Burbank
Engineer, Village of Burbank
Rob Kastner, Wayne SWCD

ec: Megan Oberst, US Army Corps of Engineers