



3GQ0001720110520

CUYAHOGA INDEPENDENCE CITY OF INDEPENDENCE 3GQ00017 2011/05/20 BOGOEVSKI,
DANIEL

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Environmental
Protection Agency

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

May 20, 2011

RE: CUYAHOGA COUNTY
MUNICIPAL STORM WATER
CITY OF INDEPENDENCE
CONSTRUCTION SITE PROGRAM

NOTICE OF VIOLATION

Mr. Donald J Ramm, Engineer
City of Independence
6335 Selig Drive
Independence, OH 44131

Dear Mr. Ramm:

On May 9, 2011, I inspected the Selig Drive/ITC/Brecksville Road Intersection project in response to a citizen complaint. I found a number of deficiencies related to the Storm Water Pollution Prevention Plan and implementation of sediment and erosion controls at the site. My findings have been sent to you in separate correspondence. The purpose of this correspondence is to notify you that my inspection revealed a violation of the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #OHQ000002. Our records indicate that the City of Independence has obtained coverage under this NPDES permit and has been assigned a facility permit number 3GQ00017*BG.

I noted the following violation:

- **Failure to provide a pre-construction storm water pollution prevention plan review of the Selig Road Intersection project.** This is a violation of Part III.B.4.c of the NPDES permit. Your construction site runoff control program must provide such a review for all construction projects, including municipal construction projects. Per information contained in your Annual Report, the City of Independence engages the Cuyahoga Soil & Water Conservation District (SWCD) to conduct construction site runoff control plan review and site inspection. Cuyahoga SWCD indicates that they did not receive the Storm Water Pollution Prevention Plan (SWP3) for the Selig Drive Intersection project until after construction activities commenced. As such, it appears that the City of Independence failed to provide a pre-construction sediment and erosion control plan review for this project.

Please provide me with a letter of response indicating the actions you have taken or will take in the future to prevent the occurrence of this violation. Your response should be received by June 3, 2011. Include any amendments to the Storm Water Management Program (SWMP) that may be required to prevent occurrences of this violation.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

Mr. Donald J Ramm
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As a reminder, failure to comply with provisions of an NPDES permit is a violation of Ohio Revised Code 6111.04 and 6111.07 and is punishable by fines of up to \$25,000 per day of violation. It is my hope that the City of Independence will make the needed changes in plan review and construction start procedures to avoid escalated enforcement action by the Agency.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB/mt

cc: Gregory Kurtz, Mayor, City of Independence
Todd Houser, Cuyahoga SWCD