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CUYAHOGA GATES MILLES VILLAGE OF GATES MILLS 3GQ00014 2010/10/13 BOGOEVSKI,
DANIEL

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**Environmental
Protection Agency**

Rep. S. ... Governor
Sen. F. ... Lt. Governor
... Director

October 12, 2010

RE: CUYAHOGA COUNTY
VILLAGE OF GATES MILLS
MUNICIPAL STORM WATER PROGRAM
CONSTRUCTION SITE COMPLAINT NOTICE

Christopher Courtney, P.E.
Storm Water Program Manager
Village of Gates Mills
700 Beta Drive, Suite 200
Mayfield Village, OH 44143

Dear Mr. Courtney:

On October 6, 2010, Ohio EPA received a complaint regarding construction activities located at 331 Timberidge Trail in the Village of Gates Mills. The complainant states that sediment-laden runoff from the aforementioned site is discharging onto her property and into waters of the State. A review of our database of National Pollutant Discharge Elimination System (NPDES) permits does not indicate that a permit has been obtained for storm water discharges from these construction activities. NPDES permit coverage is required whenever construction activities disturb 1 or more acre of land.

In response to the complaint, I contacted you via telephone to inform you of the situation. You indicated that you were aware of the construction activity, but that a storm water pollution prevention plan (SWP3) had not been submitted to the Village for review because the project was essentially a house renovation where less than 1 acre was expected to be disturbed. However, you indicated that you would investigate the situation and determine if 1 or more acre of land has or will now be disturbed. You also indicated that Dave Biggert, Building Commissioner for the Village of Gates Mills, had been in contact with the property owner and had previously instructed him to install sediment and erosion controls.

As required by Part III.B.4 of the Ohio EPA General Storm Water NPDES Permit for Small Municipal Separate Storm Sewer Systems (MS4s) #3GQ00014*BG, the Village of Gates Mills has enacted Chapter 1171 of the municipal code titled Erosion and Sediment Control Ordinance. This ordinance requires SWP3s for construction activities where the larger common plan of development or sale disturbs 1 or more acre of land to be reviewed and approved by the Village. Part III.B.4.c of the NPDES permit for Small MS4s requires the Village to inspect construction sites for compliance with the SWP3 at least once per month.

Per the obligations of the NPDES permit for Small MS4s, please investigate whether construction activities at 331 Timberidge Trail have exceeded 1 or more acre of land, and if so, ensure that best management practices are being implemented to prevent or minimize discharges of sediment-laden runoff and other construction wastes. Please review and approve the SWP3 for these construction activities and ensure the site is inspected at least once per month. To demonstrate compliance with these requirements, please submit copies of any plan review letters, notices of violation and site inspection reports the Village has generated for this construction site. If the larger common plan of development or sale will not result in a

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disturbance of 1 or more acre, please advise me of such and let me know what, if any, actions the Village has taken or intends to take regarding this complaint (see attached). Please provide me a response **no later than October 22, 2010**.

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

Sincerely,



Dan Bogoevski
District Engineer
Division of Surface Water

DB:bo

pc: Dave Biggert, Building Commissioner, Village of Gates Mills
Connie White, Mayor, Village of Gates Mills
Katie Morley (via e-mail at kamorley@yahoo.com)
Ed Wilk, DSW, NEDO