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SUMMIT

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SUMMIT COUNTY & OTHERS

3GQ00065 2011/08/11

MACPHERSON,
LINDSIE

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Permits for Construction Activities, which include the following EPA NPDES Permits: OHC000003, OHCD0001 and OHCO00001. This was to be completed within two years of when the City's coverage under the MS4 general permit was granted (June 17, 2009). The existing construction ordinance for the City (Chapter 929.05) does not meet the requirements set forth in the MS4 NPDES Permit. The ordinance does not set the appropriate threshold for coverage, excluding language that would include projects where the larger common plan of development or sale would disturb one acre or more. The ordinance does not specify Best Management Practice (BMP) standards equivalent to the Ohio EPA Construction General Permit nor does the ordinance provide a reference to an equivalent document or manual. Ohio EPA recommends the City look to adopt the Chagrin River Watershed Partners model ordinances for erosion and sediment control and comprehensive storm water management, located at www.crowp.org under the Storm Water Phase II link. Please provide the EPA with a plan of action and time frame for passing the ordinance updates.

- **Failure to escalate enforcement to achieve compliance with the local construction site ordinance.** This is a violation of Part III.B.4.a.vi of the Ohio EPA General Storm Water NPDES permit # OHQ000002. Our file review and interview revealed that the City is deficient in written Notices of Violation under City of Cuyahoga Falls letterhead for non-compliance with Chapter 929.05 of the municipal code (Excavating Activities Prohibited without a Permit). Stop work orders or court actions as permitted by Chapter 929 are rarely implemented. Yet, during the file review and field inspections, Ohio EPA revealed that Cuyahoga Valley Christian Academy and the Chart Road project both commenced without an approved Storm Water Pollution Prevention Plan (SWP3) and a pre-construction meeting. Both offences were stated as grounds for the issuance of a stop work order earlier in the audit. The City must develop an enforcement escalation protocol so as to provide inspectors, the City Engineer, Service Director and others with a clear policy on when to take enforcement to the next level and how that is to be achieved. The City also needs to ensure written inspection reports are sent to the legal entity which holds NPDES permit-coverage and the entity responsible for most of the earth disturbance and installation and maintenance of erosion and sediment controls.

The City should be aware that letters from the SWCD are not considered NOV's unless the community's ordinance specifically gives the SWCD enforcement authority. The SWCD is simply notifying the community that there are compliance issues on the site, but they have no inherent enforcement authority in a municipality. If the City wishes to continue using the SWCD for inspections, one option would be for the City to attach a cover letter in Cuyahoga Falls letterhead summarizing the key violations and deficiencies found during the inspection and a time frame in which the work must be completed. Another suggestion would be for the City to develop a form that could be used by the SWCD and City staff during the construction site inspections and then left with the contractor for written notification of violations or deficiencies.

- **Failure to facilitate a pre-construction meeting with developers and/or contractors before construction commences on a site.** This is a violation of Part III.B.4.c and Part III.B.5.f of the Ohio EPA General Storm Water NPDES permit #OHQ000002. The City is required to initiate a pre-construction meeting to discuss erosion and sediment controls and the sequence of construction, as well as to conduct a pre-construction SWP3 review and an initial inspection before construction commences on a site. Although the City stated that plan approval must occur prior the issuance of a grading permit or zoning certificate, Ohio EPA noted several sites where construction had commenced without plan approval or a pre-construction meeting. The Cuyahoga Valley Christian Academy project and the Chart Road project are two examples where construction commenced back in late spring without an approved SWP3 or a pre-construction meeting. Neither site had been inspected for construction erosion and sediment control BMPs after a least two months of construction. The City and the SWCD need to ensure that they are communicating and working together to *ensure grading permits and zoning certificates are not issued by the City until SWP3 approval is issued from the Summit SWCD*. In regards to the Chart Road municipal road project, Ohio EPA expects the City to comply with the standards in the community's construction ordinance Chapter 929.05. The Chart Road project should not have commenced until the SWCD issued a plan approval and held a pre-construction meeting. Please provide the Ohio EPA with documentation of the enforcement action taken on these matters.
- **Failure to submit a Notice of Termination within 45 days of reaching final stabilization on municipal construction projects.** This is a violation of Part IV.A of the Ohio EPA General Storm Water NPDES permit #OHC000003. Our records show that the City of Cuyahoga Falls has four (4) active projects permitted under the Ohio EPA General Storm Water NPDES Permit for Construction Activities but indicated during the interview that three (3) of the projects were completed and have reached final stabilization. Please submit an NOT for these projects that are completed.

Deficiencies:

- Summit SWCD maintains the majority of records associated with the City of Cuyahoga Falls construction and post-construction programs. We recommend that the City of Cuyahoga Falls maintain a set of these records in the Engineering or Service Department, as appropriate. Although there is a Memorandum of Understanding between the City and Summit SWCD, this arrangement could be terminated at any time and the City may not have access to the records in the future. This also provides a back-up in case Summit SWCD or the City loses records due to computer failure or catastrophic losses. This is particularly important for long-term maintenance plans for post-construction BMPs.

- The City does have an inventory of active construction projects through the Summit SWCD using the Urban Site Program. The database is updated as plans are submitted to SWCD for review and approval. Once plans are approved, the SWCD will add the project on as a site to be inspected, but the Ohio EPA inspection revealed a lack of communication between the City and Summit SWCD causing several projects, including a municipal project, to commence without an approved SWP3. The Chart Road municipal road project was not added to the list of sites to be inspected until at least two months after construction had already started. Please be aware that performance standards established under Part III.B.4.c of the NPDES permit require the City to inspect all construction sites where 1 or more acres of land are disturbed. These sites must be inspected when construction begins and at least monthly thereafter as long as the project is active. In order to ensure that this performance standard is met, Ohio EPA strongly recommends the City maintain their own list of active construction sites and regularly compare this list with the SWCD database to ensure all projects are approved and are being inspected.
- The City contracts construction site inspections and plan reviews with Summit SWCD for projects with one acre of disturbed area or more. Smaller projects are handled internally in the Engineering Department. The inspectors from SWCD seemed to be very well trained, but the City should still ensure that all inspectors, including the Engineering Department, receive on-going education to ensure that they are aware of the latest standards and specifications for erosion and sediment control, as well as other storm water related topics. *Please review Construction Field Review Worksheets and the File Review Worksheets for an evaluation of the construction site inspector and plan reviewer for the City of Cuyahoga Falls.*
- During the field inspection for the Manchester Falls project, Ohio EPA and Summit SWCD noted major sediment and erosion control compliance issues. The sediment basin had not been installed three weeks into the start of the project. Sediment settling ponds should be installed prior to grading and within seven days from the start of grubbing. Ohio EPA also noted workers dewatering sediment laden trench water into the adjacent stream without passing the water through a sediment basin or some other equivalent sediment control. Other compliance issues noted during the inspection can be found in the *Construction Field Review Worksheet* for Manchester Falls. Please provide the EPA with documentation of the enforcement action the City has issued for this site.
- The City and Summit SWCD must ensure they are utilizing current BMP design standards when conducting plan reviews. Our field inspections and file reviews revealed that outdated specifications were used in various projects, including the Manchester Falls north and south sediment basins. The perforated riser pipes were calculated using the Summit SWCD spreadsheet. This spreadsheet should not be used for sediment basin riser calculations. The procedure is outdated and

the calculations are incorrect for the sediment basin riser pipe. Instead, the City and Summit SWCD should encourage the use of a skimmer device or a single orifice outlet structure.

- The City did not provide sample contract language for active public projects not developed or inspected in-house. Contracts with third party planners and engineers should include language that specifies that sediment and erosion control and post-construction storm water BMPs must be incorporated into the design. Also, if third party inspectors are to be used, language to ensure minimum inspection, maintenance, and reporting requirements should be specified in the contract.
- The City of Cuyahoga Falls has not established standards for post-construction BMP selection and design for small construction activities (i.e., where the larger common plan of development or sale disturbs < 5 acres), but should consider doing so to minimize arguments and negotiations on what constitutes an acceptable BMP. Although Ohio EPA does require post-construction BMPs on small construction sites, the requirements are not prescriptive. Thus, reliance on Ohio EPA requirements for small construction sites may not lead to the types of BMPs the City would prefer to see.
- The City has not fully developed their program to ensure adequate long-term operation and maintenance of privately owned post-construction BMPs. Developers are required to enter Long-Term Maintenance agreements that require the owner of the BMP to submit an annual report in June. The program was initiated in 2008, but the City has not received reports from all facility owners at this time. In 2012, the City stated that violation letters will be sent out to warn owners of the required report. The City has not taken much of a stand on enforcement for post-construction compliance issues and could use improvement in this field. Also, the City must ensure that a system is in place to keep long-term maintenance plans attached to a property as ownership changes. This component is essential to ensuring adequate long-term operation and maintenance (O&M) of post-construction Best Management Practices (BMPs). Long-term O&M plans are to be stand-alone documents and should not just be included within the set of construction drawings.
- The City has reviewed their ordinances to facilitate the use of non-structural and low-impact development (LID) practices in their General Development Code passed in July of 2009. However, to further promote use of LID practices, the City may also want to consider adding a runoff reduction requirement to their post-construction ordinance or allow a reduction in the size of storm water management structures if LID is used. Planning and zoning codes should be reviewed to encourage smart growth principles in compact neighborhoods or mixed-use development such as walkable neighborhoods, vertical development, and infill development along corridors served by public transportation, as well as

MR. RUSSELL KRING
AUGUST 10, 2011
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allowing the use of meadow grass or low-maintenance vegetation, where appropriate. The City should also look into updating their parking codes to reduce the amount of impervious surfaces created by current parking requirements. Permeable pavement is a key tool to reducing impervious area and should be more broadly promoted.

Please review my comments and provide Dan Bogoevski with a letter of response indicating the actions you will take to address my concerns. **Your response should be received no later than September 6, 2011.** Please note that this response does not replace the requirement to submit an Annual Report. Your annual report for 2011 will be due on April 1, 2012.

If you have any questions, please contact me at (330) 963-1138 or lindsie.macpherson@epa.state.oh.us or Dan Bogoevski at (330) 963-1145 or dan.bogoevski@epa.state.oh.us.

Sincerely,



Lindsie MacPherson
Assistant to the District Engineer
Division of Surface Water

LM:bo

enclosure(s)

pc: Don L. Robart, Mayor, City of Cuyahoga Falls w/ enclosure
Tony Demasi, City Engineer, City of Cuyahoga Falls w/ enclosure

ec: Phil Rhodes, Ohio EPA, NEDO, DSW w/ enclosure
Joan Hug-Anderson, Environmental Resource Specialist, Summit SWCD
jhugand@summitswcd.org w/ enclosure

Municipal Storm Water Program Evaluation

Construction and Post-Construction Component Worksheet

Date of Evaluation
August 3, 2011
Evaluator Name, Title
Lindsie MacPherson, Ass. District Engineer
MS4 Permittee
City of Cuyahoga Falls

Instructions: Use this worksheet as a guide for questioning MS4 staff and reviewing applicable documents. Keep in mind that additional questions may be necessary based on local regulations, MS4 permit requirements, implementation strategies, or water quality issues. Remember to obtain copies of any applicable documents or files which may assist in writing the MS4 evaluation report.

Staff Interviewed		
Name	Department/Agency	Phone Number/Email
Russell Kring Storm Water Administrator/ Sewer Collections Manager	Water Utilities City of Cuyahoga Falls	330-971-8133 kringrw@cityofcf.com
Cindy Fink District Program Administrator	Summit SWCD	330-929-2871 Ex. 13 cfink@summitswcd.org
Tony Demasi City Engineer	Engineering Department City of Cuyahoga Falls	330-971-8180 demasitv@cityofcf.com
Joan Hug-Anderson Environmental Resource Specialist	Summit SWCD	330-929-2871 Ex. 12 jhugand@summitswcd.org

Ordinance/Legal Authority	
Interview Questions	Response
Ordinance used to require storm water BMPs at construction sites?	YES
Name and/or code section(s)	Chapter 929.05:Excavating Activities Prohibited without Permit
Date initially enacted: June 6, 2003	This ordinance only prohibits construction without a permit, which it obtained after a SWPPP review and approval. The ordinance does not list construction site BMPs nor does it make reference to a BMP manual or the Ohio EPA NPDES General Storm Water Permit for Construction Activities #OHC000003. (CGP)

Ordinance/Legal Authority	
Interview Questions	Response
<p>Threshold for coverage (e.g., 1 acre, 100 cubic yards, etc.)</p> <p><i>NOTE: 1 acre is minimum requirement.</i></p>	<p>All land clearing, grubbing, and grading, earth moving, or development activities in an area in excess of one acre are subject to the ordinance.</p> <p>The City's ordinance does not include language for the larger common plan of development or sale that would disturb one acre or more.</p>
<p>Exclusions from coverage allowed:</p> <p><i>NOTE: To align with NPDES permit program, the only exclusions allowed are (a) if rainfall erosivity factor, R, is < 5 for the project, (b) construction is "routine maintenance" to re-establish the original line, grade or hydraulic capacity of storm water infrastructure, i.e., ditch cleaning and detention basin dredging, where < 5 acres is disturbed, (c) silvicultural disturbances, (d) agricultural disturbances or (e) construction related to oil & gas well exploration.</i></p> <p><i>Ohio EPA website has fact sheet on what constitutes "agricultural disturbance" and "routine maintenance" versus regulated construction activity.</i></p> <p><i>Some communities allow an abbreviated SWP3 for individual home construction or other small construction. That is fine as long as intent of regulation is met.</i></p>	<p>No exclusions are specifically stated in the ordinance. The document does not include land disturbances of less than one acre but where the larger common plan of development or sale in one acre or more.</p>
<p>Does your construction program include the following types of construction activity:</p> <p>Single-family residential?</p> <p>Multi-family residential?</p> <p>Commercial development?</p> <p>Institutional development (schools or government facilities)?</p> <p>Mixed-use development?</p> <p>Non-subdivided development?</p>	<p style="text-align: center;">YES</p>

Ordinance/Legal Authority	
Interview Questions	Response
Non-exempt construction on agriculturally-zoned lands? (barn on a farm)	YES
Non-silvicultural tree clearing?	YES
Your own municipal construction projects?	YES
Construction and demolition debris landfills?	YES
Construction by other public entities within your political jurisdiction, e.g., a county road project within a municipality?	YES
Earth disturbance associated with open spaces and parks (e.g., trails within a park or parking lot improvements at a park)?	YES
Private pond construction?	YES
Construction of wind or solar panel farms?	YES
Establishment of borrow or spoil areas that service multiple, unrelated construction projects?	YES
Utility construction projects (including tree clearing along utility corridors or pipeline projects that cross multiple political jurisdictions)?	YES
<p><i>NOTE: Construction must be regulated if it does not meet one of the exclusions and the larger common plan of development or sale disturbs 1 or more acre of land. The intent of this line of questioning is to simply highlight the scope of regulated construction activity that the MS4 may have to contend with.</i></p>	
Does ordinance regulate the discharge of pollutants other than sediments on a construction sites (e.g., construction wastes, fuel tanks, cement truck wash water, trash, chemicals, etc.)?	NO

Ordinance/Legal Authority	
Interview Questions	Response
<p>Has ordinance been updated to reflect minimum requirements of Ohio EPA NPDES permit #OHC000003?</p> <p>Date of updates?</p> <p><i>NOTE: Check database for date of NPDES permit renewal prior to inspection. MS4 permit #OHQ000002 required updates within 2 years of permit renewal.</i></p> <p>Date of MS4 Permit Renewal: June 17, 2009</p>	<p style="text-align: center;">NO</p> <p>The City has not formally adopted an erosion and sediment control ordinance. They have a draft of an ordinance from Summit County Engineers Office that they will look to adopt at this point. The soonest this ordinance would be introduced is the first Monday of September. The ordinance should be passed by the end of September. The City may want to consider adopting a version of the Chagrin River Watershed Partners model instead, located at www.crwsp.org under the Storm Water Phase II link.</p>
<p>Ordinances used to require post-construction storm water BMPs on new development or redevelopment projects:</p> <p>Treatment of Water Quality Volume (WQv) Name and code section:</p> <p>Date initially enacted: 2/13/2006</p> <p>Has this ordinance been updated to reflect the minimum requirements of Ohio EPA General Permit #OHC000003?</p> <p>Date of update: 7/27/2009</p> <p>Riparian and Wetland Setback Ordinance Name and code section:</p> <p>If YES, does ordinance require protection of native vegetation within riparian area or can manicured lawns be established?</p>	<p style="text-align: center;">YES</p> <p>Chapter 1124.03: Flood plain and storm water which is part of the general development code</p> <p>Chapter 929: Post-Construction Water Quality Practices.</p> <p style="text-align: center;">NO</p> <p>While updating the Erosion and Sediment control ordinance, the City should also consider consolidating their post-construction water quality ordinances into one document and ensuring the document is equivalent with the Ohio EPA NPDES CGP #OHC000003.</p> <p style="text-align: center;">YES</p> <p>Chapter 1125: Stream Corridor Protection which is part of the general development code</p> <p style="text-align: center;">NO</p> <p>The ordinance includes three types of buffers: preserved buffer, managed buffer, and limited development buffer. The preserved buffer (30') does preserve the native vegetation.</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>If YES, does ordinance allow the location of storm water infrastructure within the riparian setback?</p>	<p>YES</p>
<p>Within the limited buffer storm water infrastructure is permitted.</p>	
<p>Runoff Reduction (e.g., infiltration or mitigation of a recharge volume)? Name and code section:</p>	<p>YES</p>
	<p>Chapter 1124.03: Flood plain and Storm Water - Part of the General Development Code. Table 1124.19 lists storm water BMPs where more acceptable BMPs that require infiltration are stated first and given more priority.</p>
<p>BMPs designed to control temperature for discharges to cold water habitat streams? Name and code section:</p>	<p>NO</p>
	<p>Yellow Creek?</p>
<p>Encouraging Green Infrastructure or low-impact development practices:</p>	
<p>Allow downspout disconnection and use of open storm water conveyance systems? Names and code sections:</p>	<p>YES Chapter 927.01</p>
	<p>Downspouts must go directly to a storm sewer or other approved practice such as rain gardens, rain barrels, and stream discharge.</p>
<p>Permit the installation of rain gardens and other bioretention facilities? Names and code section:</p>	<p>YES</p>
	<p>Chapter 1124.03 of the General Development Code Table 1124.19 lists storm water BMPs</p>
<p>Allow rainwater harvesting (rain barrels and cisterns)? Name and code section:</p>	<p>YES Chapter 927.01</p>
<p>Allow or require the use of pervious pavement systems? Name and code section:</p>	<p>YES</p>
	<p>Chapter 1124.03 of the General Development Code Table 1124.19 lists storm water BMPs</p>
<p>Allow reduction in the size of traditional storm water management structures if LID used? Name and code section:</p>	<p>YES</p>
	<p><i>Not stated specifically</i>, but the City would allow the reduction if calculations were provided that proved the LID practices provided enough infiltration and treatment of the WQv that the water management structure size could be reduced.</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>Provide a credit to a storm water utility fee if LID is used? Describe:</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">Chapter 929: Storm Drainage Utility</p> <p>A monthly charge of \$3 for residents, or more for commercial. If a site can show that they have lowered the amount of storm water discharging off site through LID practices a credit is provided.</p>
<p>Balanced Growth Principles, i.e., other non-structural ordinances or codes that promote better site design:</p>	
<p>Allow conservation design as a subdivision layout (retain ≥ 40% open space by maintaining existing zoned density) Standard or variance required? Name and code section:</p>	<p style="text-align: center;">YES</p> <p>Chapter 1132.20: Residential Conservation Overlay. Permits conservation by setting aside open space via an overlay. This is a conditional use of a property.</p>
<p>Encourage the use of vegetation that requires little to no maintenance in common areas (e.g., meadow vegetation vs. mowed lawn) Name and code section:</p>	<p style="text-align: center;">YES</p> <p>Allow within the open space ordinance, but the City has a mowing ordinance that is complaint driven.</p>
<p>Reduce impervious area created by commercial parking lots (e.g., update codes so that they are context-specific, allow shared parking, land-banked parking, parking garages rather than surface lots, etc.) Name of code section</p>	<p style="text-align: center;">YES</p> <p>Chapter 1134.02: Required Parking: If a commercial site provides too much parking they must provide additional landscaping, porous pavement system, shared parking.</p>
<p>Allow sidewalks on only one side of the road in residential neighborhoods Name and code section:</p>	<p style="text-align: center;">YES</p> <p>But the walkway becomes a widened multi-purpose pathway.</p>
<p>Zoning that encourages smart growth in compact neighborhoods or mixed-use development:</p>	<p style="text-align: center;">YES</p> <p>Chapter 1143: Mixed use centers. Also, the entire general development code encourages mixed use, town centers, compact development, and then residential conservation design.</p>
<p>If YES, does zoning create walkable neighborhoods with access to commercial areas and employment centers? Describe:</p>	<p style="text-align: center;">YES</p>

Ordinance/Legal Authority	
Interview Questions	Response
<p>If YES, does this zoning provide incentives for vertical development rather than horizontal sprawl? Describe:</p> <p>If YES, does this zoning encourage a range of housing options for people of various incomes? Describe how:</p> <p>If YES, do you provide incentives for infill development or development in the core? Describe incentive programs:</p> <p>If YES, does zoning direct growth in areas where there are a variety of transportation choices (walking, biking, public transportation vs. just the car)? Describe how:</p> <p><i>NOTE: The point of this line of questioning is to emphasize to the MS4 that post-construction storm water management, land use planning and building and zoning codes must be linked to create a meaningful storm water program. A good MS4 program goes beyond the WQv requirement. The storm water program manager must work with the planning commissioner and building department to affect development patterns in their community that negatively impact storm water quality.</i></p>	<p style="text-align: center;">YES</p> <p>Landscape requirements may force development up, but no specific incentive.</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p>Tax abatements provided in town for development</p> <p style="text-align: center;">YES</p> <p>There is a master plan for a bike path throughout the City in the development department.</p>
<p>Do permit or plan approvals have to be issued before construction activities that disturb 1 or more acre can commence?</p> <p>Plan Approvals Construction & Post-Construction</p> <p>Permits & Type (Building, Grading, etc.) Construction & Post-Construction</p> <p>Does your definition of "construction activities" include any grading, grubbing, filling, clearing or excavating activity?</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">Chapter 929.05</p>

Ordinance/Legal Authority															
Interview Questions	Response														
<p>Are plans for storm water controls used during construction submitted separately from plans that depict post-construction BMPs?</p> <p>Describe the submission process and the timing of plan submission:</p>	<p style="text-align: center;">NO</p> <p>The developers submit the plans for projects larger than one acre directly to Summit SWCD and receive comments. The City will do reviews for LTMP and setbacks. Once the City receives the approval letter from the SWCD that the plan is in compliance, the City will issue a grading permit. Summit SWCD will not approve the plan until the developer submits the LTMP.</p>														
<p>Does your ordinance explicitly specify selection criteria or minimum acceptable BMP design?</p> <p>Construction</p> <p>Post-Construction</p> <p>If NO, are these standards referenced?</p> <p>Construction</p>	<p style="text-align: center;">NO</p> <p style="text-align: center;">YES</p> <p style="text-align: center;">NO</p>														
<p>REDACTED</p>															
<p>Types of enforcement mechanisms available for construction site issues per your ordinance:</p> <p>Not stated in ordinance but the City does do the following:</p>	<table border="0"> <tr> <td>Notices of Violations (NOV)</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Administrative fines</td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Stop-work orders</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Civil penalties</td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Criminal penalties</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>Other (Describe):</td> <td></td> </tr> <tr> <td colspan="2">Unclassified misdemeanor and \$200 fine Chapter 1310</td> </tr> </table>	Notices of Violations (NOV)	YES	Administrative fines	NO	Stop-work orders	YES	Civil penalties	NO	Criminal penalties	YES	Other (Describe):		Unclassified misdemeanor and \$200 fine Chapter 1310	
Notices of Violations (NOV)	YES														
Administrative fines	NO														
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Criminal penalties	YES														
Other (Describe):															
Unclassified misdemeanor and \$200 fine Chapter 1310															
<p>Which type of enforcement action have you most commonly implemented?</p>	<p>A non-compliance letter from Summit SWCD, and stop work orders from the City are the most commonly implemented practices.</p> <p>Summit SWCD will copy the City to their letters and the City will follow up with the construction sites. If compliance does not occur the City will follow up with further enforcement, e.g. NOV and stop work orders.</p>														

Ordinance/Legal Authority	
Interview Questions	Response
<p>Describe the enforcement mechanism used when the following compliance situations are encountered on construction sites:</p> <ol style="list-style-type: none"> 1. Construction has commenced without a permit or plan approval 2. A BMP indicated on the SWP3 has not been installed or requires maintenance (first incidence) 3. A BMP is required but not shown on the SWP3 4. A BMP has not been installed or maintained despite prior notification from the MS4 (repeated incidences) 5. If using a third party inspection service provider, e.g., the SWCD, MS4 receives inspection report indicating repeated non-compliance issue 	<p>The city would issue a stop work order.</p> <p>This would be reported in the Summit SWCD inspection report.</p> <p>This would be reported in the summit SWCD inspection report, and they would require an updated SWP3 to be submitted.</p> <p>Depending on the number of repeated offences (2 to 3) the City would send a violation letter and/or issue a stop work order.</p> <p>Yes and the City follows up on compliance issues when a problem persists.</p>
<p>Describe the last enforcement action your community has taken against a contractor or developer for non-compliance with construction site requirements and provide the documentation to demonstrate the action.</p> <p><i>NOTE: In municipalities, letters from the SWCD are not considered NOV's unless the community's ordinance specifically gives the SWCD enforcement authority. This is not the case typically. The SWCD is simply notifying the developer and community that there are compliance issues on the site, but they have no inherent enforcement authority in a municipality.</i></p>	<p>A stop work order was issued for Boulder Estates Subdivision in April 2011 on the site due to failure to comply with the approved SWP3. Once the stop work order was issued compliance soon followed.</p>
<p>Have your enforcement protocols and procedures for construction site issues been formalized in a written enforcement escalation plan?</p>	<p>NO</p>

Ordinance/Legal Authority	
Interview Questions	Response
Types of enforcement mechanisms available for post-construction site issues per your ordinance:	Notices of Violations (NOV) YES Administrative fines YES Stop-work orders YES
Long term maintenance agreements spell out enforcement:	Civil penalties NO Criminal penalties YES Other (Describe):
Which type of enforcement action have you most commonly implemented?	No enforcement has occurred thus far for post-construction.
Describe the enforcement mechanism used when the following compliance situations are encountered regarding post-construction:	
1. The post-construction BMP has been installed too early in the construction process (e.g., the permanent WQv outlet has been installed when the sediment control outlet is still required, or the bioretention soil has been placed prior to upland areas being stabilized)	A NOV would be sent to the developer and he is provided with 14 to 21 days to comply in the SWCD reports.
2. The post-construction BMP has not been maintained (first incident)	NOV
3. The post-construction BMP has not been maintained after multiple notifications	The City will do the work under a storm water easement and assess the cost back to the property owner.
4. A homeowner has cut down trees in the riparian setback area (if applicable)	Community development department would issue a zoning code violation with civil penalties. A replant scheme would be negotiated.
5. A homeowner has installed a shed in a vegetated filter strip disrupting sheet flow runoff	The owner would be required to move the shed and remediated the strip.
Describe the last enforcement action your community has taken against a contractor or developer for non-compliance with post-construction site requirements and provide the documentation to demonstrate the action.	Boulder Estates Phase 1 filled in a detention pond with soils, and after several NOV's, the developer moved the soil and remediated the pond.
<i>NOTE: In municipalities, letters from the SWCD are not considered NOV's unless the community's ordinance specifically gives the SWCD</i>	

Ordinance/Legal Authority		
Interview Questions	Response	
<i>enforcement authority. This is not the case typically. The SWCD is simply notifying the community that there are compliance issues on the site, but they have no inherent enforcement authority in a municipality.</i>		
Have your enforcement protocols and procedures for post-construction issues been formalized in a written enforcement escalation plan?	<p style="text-align: center;">YES</p> Enforcement escalation is found within the Long-Term Maintenance Agreement the owner has with the City for post-construction BMPs.	
Applicable Documents	Reviewed	Obtained
Sediment and Erosion Control Ordinance	YES	YES
Post-Construction Storm Water BMP Ordinances(s)	YES	YES
Enforcement escalation plan or procedures	Does Not Exist	Does Not Exist
Construction:	YES	YES
Post-Construction:		

Notes

Construction Project Inventory		
Interview Question	Response	
Do you keep an inventory of construction projects that are actively occurring in your community? If YES, how?	<p style="text-align: center;">YES</p> SWCD Urban Site Program	
Do you track construction projects <1 acre (e.g., individual lot within a subdivision or small addition to a business)?	<p style="text-align: center;">YES</p> Yes SWCD will inspect the individual lots within a subdivision if asked.	
How often is your inventory of construction projects updated?	When a plan is submitted to the SWCD the inventory is then updated. Post-construction is added in when the SWP3 is approved with the LTMP agreement.	
Information tracked:	Project status	YES
	Inspection Findings	YES
	Enforcement Actions	YES
	Complaints	YES
	NOI submittal	YES

<p>Are site inspections at active construction sites conducted at a frequency of at least once per month?</p> <p><i>NOTE: This is the minimum performance standard in the NPDES permit for small MS4s.</i></p>	<p style="text-align: center;">YES</p> <p>Inspections are conducted every other week unless site is idle and stabilized up to 75%, and then the site is inspected once a month.</p>
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<p>Number of active construction sites on date of interview (for subdivisions where only individual lot construction is occurring, count the entire subdivision or phase of subdivision as one site):</p> <p><i>NOTE: Select two sites from NOI list and ask if they are active. Ask for the dates of the last two site inspections at each site.</i></p>	<p>8 sites</p> <p>Site #1: Manchester Falls When Joan went out last, construction had not started. Her first inspection was scheduled for this week.</p> <p>Site #2: CVCA Construction started back in June without a post-construction meeting or approved SWP3. No inspections have been completed for this site.</p>
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Applicable Documents	Reviewed	Obtained
List of active construction projects	YES	NO
List of projects covered under a state/EPA general permit		
<p><i>NOTE: Prior to inspection, query the NOI database to pull up all active permits in the community. List below. Point out discrepancies between our list and theirs.</i></p>	NO	NO

Notes
<p><u>Municipal Construction Projects</u></p> <p>Ohio EPA audit revealed that many sites in the City of Cuyahoga Falls are starting construction without an approved SWP3 and pre-construction meeting with the Summit SWCD. The Cuyahoga Valley Christian Academy project and the Chart Road project are two examples where construction commenced back in late spring but no site inspections have been completed for either of these sites. The City and the SWCD need to ensure that they are communicating and working together to ensure grading permits and zoning certificates are not issued by the City until SWP3 approval is issued from the Summit SWCD.</p> <p>Ohio EPA records show that the City of Cuyahoga Falls has four (4) active municipal projects permitted under the Ohio EPA General Storm Water NPDES Permit for Construction Activities but indicated during the interview that three (3) of the projects were completed and have reached final stabilization.. Please note that the Ohio EPA General Storm Water NPDES Permit for Construction Activities #OHC000003 requires the City to submit a Notice of Termination (NOT) to Ohio EPA within 45 days of when a project reaches final stabilization. The City is in violation of Ohio EPA General Storm Water NPDES Permit for Construction Activities for City projects that are complete but failed to submit a NOT within 45 days of reaching final stabilization.</p>

Post-Construction BMP Inventory			
Interview Question	Response		
Are post-construction BMPs tracked? <i>Remind MS4 that they must be shown on MS4 map.</i>	YES		
Does this include all types of BMPs, e.g., riparian setback area, green roof or pervious pavement as well as bioretention cells and extended detention ponds?	SWCD Urban Site Program YES		
Information tracked:	Location	YES	
	Type	YES	
	Maintenance Requirements	YES	
	Inspection findings	NO	
Database used?	YES		
Number of private post-construction structural BMPs installed in community	Can be gathered from the post-construction BMP inventory.		
Applicable Documents		Reviewed	Obtained
Inventory of Post-Construction BMPs		YES	YES

Construction and Post-Construction BMP Standards	
Interview Questions	Response
Do your erosion and sediment control standards include BMP selection criteria?	NO
Do your construction site standards account for different needs for different times of the year (e.g., growing season vs. winter)?	NO
Do your standards include operation and maintenance requirements?	NO
Do your post-construction standards include BMP selection criteria?	YES

Construction and Post-Construction BMP Standards		
Interview Questions	Response	
Has your community established standards for post-construction BMP selection and design for small construction activities (i.e., where the larger common plan of development or sale disturbs < 5 acres)?	No size limit in the post-construction ordinance. The City's post-construction ordinance references the construction ordinance, which is 1 acre.	
If so, what are your standards?		
Do your standards include operation and maintenance requirements?	YES As stated in the LTM agreements	
Applicable Documents	Reviewed	Obtained
BMP guidance or technical document	NO	NO

Notes

Plan Review Procedures	
Interview Questions	Response
Who is responsible for erosion and sediment control plan review?	Summit SWCD reviews plans for all projects greater than or equal to one acre. For projects less than an acre, the City will review the plans.
If third party, is there an MOU or other agreement in place?	YES
Is it current?	YES
Who is responsible for post-construction plan review?	Summit SWCD reviews plans for all projects greater than or equal to one acre. For projects less than an acre, the City will review the plans.
If third party, is there an MOU or other agreement in place?	YES
Is it current?	YES

Plan Review Procedures	
Interview Questions	Response
<p>What training or professional certifications have plan review personnel received?</p> <p>Construction & Post-Construction</p>	<p>Tony – P.E. and OCAPP Post-Construction Tour Russell – CFM certification and attends the Storm water conference Joan - Masters in aquatic ecology, storm water training workshops Cindy- CESSWI</p>
<p>How many years of experience does plan review personnel have inspecting storm water BMPs?</p> <p>Construction</p> <p>Post-Construction</p>	<p>Tony – 11 years Cindy- 28 years Joan – 15 years</p> <p>Tony-8 years Joan &Cindy -8 years</p>
<p>How often do plan review personnel receive training?</p> <p>Construction</p> <p><i>NOTE: Make MS4 operator aware of training opportunities provided by Ohio EPA and archived at www.epa.ohio.gov/ocapp/storm_water.aspx.</i></p>	<p>Tony – once a year minimum SWCD- several times a year</p>
<p>Do you use a checklist to conduct plan review?</p> <p>Construction</p> <p>Post-Construction</p>	<p style="text-align: center;">YES</p> <p style="text-align: center;">YES</p>
<p>Size threshold for plan review (i.e. 1 acre, 10,000 square feet)?</p>	<p>All plans are reviewed. There is no size constraint for the City to review a plan. Summit SWCD reviews plans for sites one acre in size or greater.</p>
<p>Do you verify the submission of a Notice of Intent (NOI) or Individual Lot NOI to Ohio EPA as part of your plan review process?</p>	<p style="text-align: center;">YES</p>

Plan Review Procedures	
Interview Questions	Response
<p>Do you require a pre-construction meeting with developers and/or contractors?</p> <p><i>NOTE: This is a required performance standard for both construction and post-construction.</i></p>	YES
<p>Summit SWCD requires a pre-construction meeting.</p>	
<p>Is the sequence of implementation of sediment and erosion controls discussed during these meetings?</p>	YES
<p>Is the timing of installation of post-construction BMPs discussed during these meetings?</p>	YES
<p>Does your community have standard conditions of plan approval?</p>	YES
<p>Must fall within the parameters of the Summit SWCD/Ohio EPA SWP3 checklist.</p>	
<p>Do they include erosion and sediment control and/or post-construction water quality requirements?</p>	YES
<p>Does your community require a performance bond that can be used to pay for BMPs (site stabilization) in the event the developer does not complete the project?</p>	YES
<p>As well as a two year maintenance bond.</p>	
<p>Does your community require a long-term maintenance plan for post-construction BMPs?</p>	YES
<p>If YES, is the plan required to include the following:</p>	
<p>Identify the party responsible for long-term maintenance?</p>	YES
<p>A list of routine and non-routine maintenance tasks and the frequency for their performance?</p>	In the process of developing
<p>A map that identifies the types and locations of post-construction BMPs and their maintenance or access easements?</p>	YES
<p>A list of deed restrictions, conservation easements or environmental covenants required to maintain post-construction BMPs in perpetuity?</p>	YES
<p>Is this plan kept on file or input into a database for future reference to ensure the required tasks are being completed?</p>	YES

Plan Review Procedures		
Interview Questions	Response	
Applicable Documents	Reviewed	Obtained
Copy of standard conditions of approval	YES	YES
Example of standard conditions applied to an approved project	YES	YES
Checklist used by plan reviewers	YES	YES

Project Inspections	
Interview Questions	Response
Who is responsible for erosion and sediment control site inspection?	Over one acre – Summit SWCD Under an acre – Engineering Department
If third party, is there an MOU or other agreement in place?	YES
Is it current?	YES
Who is responsible for post-construction site inspection?	The owner does the inspection and provides the City with the report by June of every year as per the Long-Term Maintenance agreements, which started in 2008. The program is still in the process. The City has not received reports from all facility owners. Next year the City will start sending a letter to warn owners of the required report with an attached checklist for the type of BMP.
Is an "as-built" inspection conducted at the time a post-construction BMP is installed to ensure compliance with the approved BMP construction plan?	YES
Does the MS4 conduct inspections for long-term maintenance of privately-owned post-construction BMPs?	NO
If NO, does the MS4 collect inspection reports from the responsible party? At what frequency?	YES – annually
Findings from construction and post-construction inspections tracked in a database?	YES When a site has compliance issues, a letter will go out and will be tracked through the system.

Project Inspections		
Interview Questions	Response	
What training or professional certifications have site inspection personnel received? Construction Post-Construction How many years of experience does site inspection personnel have inspecting storm water BMPs? Construction Post-Construction How often do site inspection personnel receive training? Construction Post-Construction <i>NOTE: Make MS4 operator aware of training opportunities provided by Ohio EPA and archived at www.epa.ohio.gov/ocapp/storm_water.aspx.</i>	Same as above.	
Do you use a checklist or the approved plan to conduct site inspections? Construction Post-Construction	YES - the approved plans Not inspected by the City.	
Applicable Documents	Reviewed	Obtained
Most recent inspection staff training records	YES	YES
Example of active construction project inspection checklist	N/A	N/A
Example of inspection record to verify "as-built" of post-construction BMPs	YES	NO
Records from inspection tracking database or filing system	YES	NO
Checklist for inspecting long-term maintenance of post-construction BMPs	N/A	N/A
Notes		

MS4-Owned Construction Projects	
Interview Questions	Response
Projects designed in-house or contracted?	Both
Designers trained in storm water BMP implementation?	YES
Checklist used during the design and/or review of public construction projects?	YES The City does require the contractor to submit a checklist for the design of BMPs. The City stated that municipal projects are treated the same as other projects in the City.
Are projects greater than one acre covered under a general construction permit (has an NOI been submitted)?	YES
If contracted planners and engineers are used for the design of MS4-owned projects, does the contract language specify that sediment and erosion control and post-construction storm water BMPs be incorporated into the design?	NO Told to follow specification but no specific language.
Are municipal construction projects inspected for compliance with the SWP3?	YES
Are they inspected with the same frequency for BMP compliance as a private construction project?	YES
Who inspects municipal construction projects for compliance? <i>NOTE: To avoid a conflict of interest, the firm or department that designed the SWP3 should not also inspect the site for compliance.</i>	Over an acre - Summit SWCD Under an acre – City Engineering Department
Project inspectors trained? Frequency:	YES
If contracted inspectors are utilized, are minimum inspection, maintenance and reporting requirements specified in the contract?	YES

MS4-Owned Construction Projects			
Interview Questions		Response	
For municipally-owned post-construction BMPs, how often are they inspected to ensure long-term maintenance?		Annually at minimum and after significant rainfall events.	
Which department is responsible for conducting these inspections?		The Storm Water Department which is part of the Water Utility Department.	
Applicable Documents		Reviewed	Obtained
MS4-owned project storm water design standards and/or checklist		NO	NO
Contract language for active public project not developed or inspected in-house		NO	NO

Outreach and Education	
Interview Questions	Response
Type of training provided to construction operators:	YES
Designers and Engineers:	Home builders association workshop, bus tours
Attendance required?	No
Training frequency?	Annually
Number of operators trained:	Unknown 2 builders showed up to the last training
Training topics:	Post-construction for roadways Urban Retrofit training (Cuyahoga Falls Rain Garden Reserve)
Presentations given by MS4 staff to professional groups?	YES
	Russell presented to NEFCO on rain gardens, as well as to the Barberton City Council on the storm water program as a whole.
Brochures or outreach materials targeted at operators:	Summit SWCD has a handout for erosion control for home builders.

How/when is the information distributed?	Handed out with zoning certificates. There is a poster in the Cuyahoga Falls library.		
Website used to educate operators?	Storm water interactive page on website:		
Web address:	http://cfo.cityofcf.com/web/departments/stormwater		
	Applicable Documents	Reviewed	Obtained
	Training materials		
	Brochures, outreach materials		

Notes			

CONSTRUCTION & POST-CONSTRUCTION FILE RECORDS REVIEW

In addition to interviewing staff, select 2 to 3 approved projects with erosion and sediment control plans to review with the permittee. You are essentially conducting a file review. Try to choose different project types (residential, commercial) and sizes. Also, if one exists, review a public project plan to see if the permittee is applying equivalent standards to municipal construction.

Construction Project #1 Name: Cuyahoga Valley Christian Academy	
BMPs adequately incorporated into the plan to address erosion control, sediment control, and housekeeping?	YES Temporary diversion ditch Silt fence Temporary seeding Rock construction entrance Inlet protection Sediment Basin with Faircloth Skimmer
Design specifications and details for all BMPs included on the plans?	YES
Maintenance requirements specified?	YES Page C-6 of drawings
Have any NOV's or other enforcement actions issued for this site. <i>Obtain copies of NOV's. If none, why not?</i>	No NOV's have been submitted at this time. The SWP3 for this project is not approved. Did the City issue a grading permit or zoning certificate to the developer without SWP3 approval?
<p>Notes:</p> <p>Construction has commenced without an approved SWP3 or a pre-construction meeting with the Summit SWCD. A record of plan review correspondence between the developer and SWCD for plan approval was found but the final response and plan approval have not been completed.</p> <p>Notes: Thorson Baker & Associates, Inc.- Consulting Engineers Braun&Steidl Architects – Prepared the plans</p>	

Construction Project #2 Name: Manchester Falls Apartments

<p>BMPs adequately incorporated into the plan to address erosion control, sediment control, and housekeeping?</p>	<p style="text-align: center;">NO</p> <p>Two temporary sediment basins (North and South) with perforated riser pipes. The north basin has an outlet with 2 rows of 5 one inch holes spaced every 6", and the south basin has 6 rows of 3 one inch holes spaced every 6".</p> <p>Used the Summit SWCD outlet structure worksheet for the riser pipe calculations, which is not a correct calculation. The Summit SWCD does try to push for the skimmer and is working on removing the worksheet from their website.</p> <p>The contractor provided a Sediment Basin Data Sheet but did not show the calculations for how the basins provide the proper drawdown time of 48 hours to 7 days with the perforated pipe for temporary sediment control. The data sheet states that the north basin's drawdown time is 52.08 hours and the south basin's drawdown time is 50.64 hours, but no other calculations were provided.</p>
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<p>Design specifications and details for all BMPs included on the plans?</p>	<p style="text-align: center;">YES</p>
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<p>Maintenance requirements specified?</p>	<p style="text-align: center;">YES</p>
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<p>Have any NOV's or other enforcement actions been issued against this site? <i>Obtain copies of NOV's. If none, why not?</i></p>	<p>No inspections have been logged for this site at this time. There is an approved SWP3 and a pre-construction meeting was held on June 14, 2011, but no further construction site inspections have occurred.</p>
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Notes:

TGC Engineering, LLC. prepared the plans

Construction Project #3 Name: Reconstruction of Chart Road Phase 2	
BMPs adequately incorporated into the plan to address erosion control, sediment control, and housekeeping?	NO No washout pit for concrete wash out.
Design specifications and details for all BMPs included on the plans?	YES Inlet protection and silt fence specification were provided in the plans
Maintenance requirements specified?	YES
Have any NOV's or other enforcement actions been issued against the site? <i>Obtain copies of NOV's. If none, why not?</i>	No inspections were completed for this site. Construction has commenced without an approved SWP3 and a pre-construction meeting.
Notes: Construction on this site commenced without an approved SWP3 or pre-construction meeting. The SWCD review letter stated that the linear project was disturbing soils and increasing impervious surfaces but there was no post-construction provided for the site in the plans Ohio EPA audit revealed that many municipal projects are not reviewed by the SWCD. Ohio EPA expects the City to hold themselves to the same standards as they hold private development.	

Post-Construction Project #1 Name: Cuyahoga Valley Christian Academy	
Date that project was accepted by community or otherwise deemed "completed"	Project not completed
Were post-construction BMPs provided for all drainage areas associated with the developed site?	YES
List the post-construction BMPs provided?	DA #1: Dry-Extended detention basin for a 6.142 acre DA WQv orifice seems to be 4" perforated pipe and stone coverage attached to the coupling. There is a threaded cap at the end with a 1.2" WQv orifice.
Design specifications and details for all BMPs included on the plans?	YES
Were post-construction BMPs selected appropriate for their drainage areas, site and soil conditions?	YES
Did the community verify the installation of post-construction BMPs per the approved plan at the time the project was completed?	Not complete
Does MS4 have a copy of the long-term maintenance plan?	YES
Who does the plan say is responsible for long-term maintenance?	Owner
Has the MS4 conducted any long-term maintenance inspections or collected any long-term maintenance inspection reports from the responsible party? <i>Obtain copy of latest inspection report.</i>	NO
Notes:	

Post-Construction Project #2 Name: Manchester Falls Apartments	
Date that project was accepted by community or otherwise deemed "completed"	Not Completed
Were post-construction BMPs provided for all drainage areas associated with the developed site?	YES
List the post-construction BMPs provided?	DA #1: North wet-extended detention basin DA 6.95 acres DA #2: South wet-extended detention basin DA 14.11 acres Both have a 2" WQv orifice calculated through the Summit SWCD worksheet. Calculations were provided for the proper drawdown time for the basins.
Design specifications and details for all BMPs included on the plans?	YES
Were post-construction BMPs selected appropriate for their drainage areas, site and soil conditions?	YES
Did the community verify the installation of post-construction BMPs per the approved plan at the time the project was completed?	Not Completed
Does MS4 have a copy of the long-term maintenance plan?	YES
Who does the plan say is responsible for long-term maintenance?	Owner
Has the MS4 conducted any long-term maintenance inspections or collected any long-term maintenance inspection reports from the responsible party? <i>Obtain copy of latest inspection report.</i>	Not at this time
Notes:	

CONSTRUCTION FIELD REVIEW WORKSHEET

Name of MS4: City of Cuyahoga Falls
MS4 Permit No: 3GQ00065*BG

Name of Site: Cuyahoga Valley Christian Academy	
Location: 4687 Wyoga Lake Road	NPDES Permit #: 3GC05418*AG
Date of Inspection: 8/4/2011	Time of Inspection: 12:15 p.m.
Name of Inspector: Joan Hug-Anderson, Summit SWCD	
Others Present During Inspection	
Lindsie MacPherson, Ohio EPA, NEDO, DSW Dave Frambes, Welty Building Company, LTD. Robert Miller, Kent's Excavating Services	

1. Did MS4 inspector identify himself to the project superintendent or site foreman and state the purpose of his inspection?

Yes. The inspector identified herself and discussed her purpose on site.

2. Did the MS4 inspector ask if any amendments have been made to the SWP3 since his or her last inspection?

The SWP3 for this project was not approved by the Summit SWCD at the time of the inspection. The inspector indicated to the builder that the stream work at the back of the facility would need to be added to the SWP3 as an amendment and resubmitted for approval.

3. Did the MS4 inspector review the site inspection reports required of the developer once every 7 days and within 24 hours of a 0.5-inch or greater rainfall?

NO. The inspector does not usually ask, but for this inspection she was told it was appropriate for her to ask to view the inspection reports to ensure they are being conducted. Reports were not available.

4. Did the inspector reference the approved SWP3 or use it as the basis of his or her inspection?

The SWP3 for this site has not been approved by Summit SWCD, and yet construction started on June 6, 2011 without an approved SWP3 or a pre-construction meeting. Inspector was not very familiar with the SWP3 because some time had gone by since she had last reviewed the plans. The inspector was informed that construction had started without a pre-construction meeting, but was not aware she had not approved the SWP3.

5. Did the inspector follow-up on any compliance issues found during his or her last inspection?

This was the first inspection the inspector conducted for this site, so the main compliance issue discussed was that the SWP3 was not approved and a pre-construction meeting as not held.

6. Compliance issues identified by inspector during this inspection:

The inspector noted that the skimmer was missing from the sediment basin and the post-construction outlet structure was installed in place of the missing skimmer. The excavator indicated that the skimmer was on order but was taking some time to arrive.

The inspector noted sediment tracked offsite onto Wyoga Lake Road. She noted that the rock construction entrance should be moved closer to the road and topped off with additional rock to stop the tracking. She also informed the foreman that the street should be *swept* and not washed down when offsite tracking is observed.

In addition, the internal construction entrance on the south side of the building should be extended to the minimum 70 feet.

The inspector noted that the inlet protection throughout the construction site required maintenance. The fabric was ponding the water appropriately, but the fabric was merely tucked under the grates and will be difficult to remove and clean without dumping some of the excess sediment into the basin. Workers should be trained on sediment controls such as this and should know to keep as much sediment out of the basins as possible.

The inspector indicated that the slopes of the sediment basin require additional stabilization.

The inspector also noted that the silt fence at the back of the site requires maintenance.

The inspector noted the stream work on the east side of the property outside of the limits of disturbance. She informed the excavator that he needed to ensure sediment laden runoff from his site is diverted away from the piped stream. The area surrounding the previously existing culvert outfall should be stabilized.

Lastly, the inspector informed the excavator he must provide Summit SWCD with information on where soil is taken offsite before the district will approve the SWP3.

7. Deficiencies or NPDES violations not noted by the MS4 inspector during this inspection:

The inspector conducted a very thorough inspection, but did not ask the foreman where concrete washout was occurring. The washout pit the crews were using was completely full of water, and the foreman was informed of his various options for disposing of the wastewater.

8. Did the MS4 inspector ask the project superintendent or site foreman to accompany him or her on the inspection?

Yes. The inspector insisted that the site foreman accompany her as she pointed out areas of concern.

9. Did the MS4 inspector recap his findings upon completion of his or her inspection?

Yes. The inspector recapped the discussions of the inspection with the site foreman and informed him of the action required.

10. Is the community planning on taking any enforcement actions based on the results of today's inspection? If so, what are those actions? (*NOTE: Ask community to send you a copy of the enforcement action.*) Did the inspector provide a deadline for corrective action? If so, provide details.

The inspector is from Summit SWCD and she usually completes a site inspection report and will send the report to all parties involved, including the City. In the case where construction commences without an approved SWP3, the City stated that they will issue a stop work order, but the inspector did not notify the City immediately following the inspection to complete this enforcement action.

There seems to be a major disconnect between the responsibilities of the SWCD and the City. Communication between the two parties requires improvement to ensure that the proper enforcement is carried out.

Cuyahoga Falls Inspection Photos
Cuyahoga Valley Christian Academy
Taken by Lindsie MacPherson, 8/4/2011

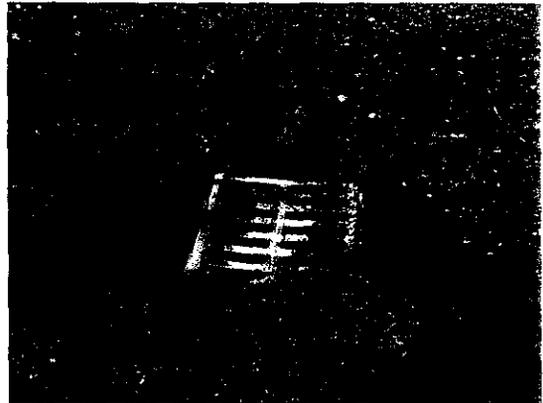


Fig 1 (LT): The construction entrance should be moved closer to the roadway and topped off to ensure no sediment is tracked offsite.

Fig 2 (RT): Inlet protection is ponding water as intended but should be cleaned out regularly to ensure the BMP continues to function.



Fig 3 (LT): The slopes of the sediment basin require additional stabilization.

Fig 4 (RT): The post-construction outlet structure was installed on the temporary sediment basin. This should be removed and replaced with a skimmer as stated in the SWP3.



Fig 5 (LT): The foreman stated that the Army Corps approved the remediation of the culverted stream outside the boundaries of disturbance of the site.



Fig 5 (RT): Sediment laden runoff from the site should be diverted to the sediment basin and away from the stream.



Fig 6: The construction entrance on the south side of the building should be at least 70 feet long as stated in the design standards for rock construction entrances.

CONSTRUCTION FIELD REVIEW WORKSHEET

Name of MS4: City of Cuyahoga Falls
MS4 Permit No: 3GQ00065*BG

Name of Site: Manchester Falls	
Location: Howe Rd. and Bailey Road	NPDES Permit #: 3GC00792*AG
Date of Inspection: 8/4/2011	Time of Inspection: 9:00 a.m.
Name of Inspector: Joan Hug-Anderson, SWCD	
Others Present During Inspection	
Lindsie MacPherson, Ohio EPA, NEDO, DSW Scott Derodes, Fechko Construction	

1. Did MS4 inspector identify himself to the project superintendent or site foreman and state the purpose of his inspection?

Yes. The inspector identified herself and discussed her purpose on site to Scott Derodes with Fechko Construction, but the site foreman was not present at the time of the inspection. The inspector obtained the number of the site foreman, John Fechko.

2. Did the MS4 inspector ask if any amendments have been made to the SWP3 since his or her last inspection?

Inspector asked about the SWP3, but the crews that were present at the time of the inspection were not familiar with the SWP3 for the site.

3. Did the MS4 inspector review the site inspection reports required of the developer once every 7 days and within 24 hours of a 0.5-inch or greater rainfall?

NO. The inspector does not usually ask, but for this inspection she was told it was appropriate for her to ask to see the inspection reports to ensure they are being conducted. No reports were reviewed.

4. Did the inspector reference the approved SWP3 or use it as the basis of his or her inspection?

Yes. The inspector had a copy of the SWP3 with her as she conducted her inspection, and discussed the sediment and erosion controls that should have been in place as per the approved SWP3 for the site.

5. Did the inspector follow-up on any compliance issues found during his or her last inspection?

This was the inspector's first time inspecting the project, since construction started on July 18, 2011. The pre-construction meeting for this site was held on June 14, 2011.

6. Compliance issues identified by inspector during this inspection:

The inspector noted that the sediment basin was still not installed three weeks into the start of the project. The sediment settling pond should have been installed prior to grading and within seven days from the start of grubbing. Once the basin is installed, it should continue to function as a construction site sediment control BMP until the up slope development area is stabilized.

The inspector noted that the only sediment control installed on the site was silt fence. She informed the worker that they were operating without the proper sediment and erosion controls. The inspector indicated that the site looked as if the silt fence was installed after land disturbing activities and that both sides of the silt fence had bare soil. She informed the worker that the bare soil on the outside the silt fence should be stabilized.

The inspector also noted that the diversion to keep runoff out of the stream and into the sediment basin had not been installed.

The inspector noted the dewatering of sediment laden water directly into the adjacent stream on site. The pump was turned off and removed from the trench the workers were dewatering. The inspector informed the workers that if the trench water contains sediment, it must first pass through a sediment settling pond or other equally effective sediment control device before the water can be discharged from the construction site.

The inspector indicated that inlet protection was not installed as shown on the approved SWP3.

The inspector noted that the rock construction entrance was overwhelmed and should be re-worked in order to function as intended. She also noted that the street should be swept on a more regular basis to avoid offsite tracking of sediment.

The inspector reminded the worker that if any areas of the site were to remain idle for more than 21 days, temporary stabilization is required within two days of the most recent disturbance because the disturbed area is within 50 feet of a stream.

Lastly, the inspector noted that the south basin outlet structure was not installed properly. The plans state that the two basins near the road are to be combined to create a temporary sediment pond during construction and a permanent water quality structure for post-construction.

7. Deficiencies or NPDES violations not noted by the MS4 inspector during this inspection:

Due to the lack of compliance on the site, the inspector encouraged any sediment control for that matter, including the perforated riser for the temporary sediment basin as stated in the approved SWP3 instead of encouraging the use of a skimmer device.

8. Did the MS4 inspector ask the project superintendent or site foreman to accompany him or her on the inspection?

Yes. The inspector insisted that the head worker on site accompany her as she pointed out areas of concern.

9. Did the MS4 inspector recap his/her findings upon completion of his or her inspection?

Yes. The inspector recapped the discussions of the inspection with the worker and informed him of the action required. She also obtained the number of the site foreman for follow up.

10. Is the community planning on taking any enforcement actions based on the results of today's inspection? If so, what are those actions? *(NOTE: Ask community to send you a copy of the enforcement action.)* Did the inspector provide a deadline for corrective action? If so, provide details.

The inspector is from Summit SWCD and she usually completes a site inspection report and will send the report to all parties involved, including the City. The inspector stated she was going to follow up on all the compliance issues with the foreman via telephone. She did not immediately inform the City of the violations that would normally trigger the issuance of a stop work order.

**Cuyahoga Falls Inspection Photos
Manchester Falls Project
Taken by Lindsie MacPherson, 8/4/2011**



Fig 1 (LT): The stream should have been rerouted around the construction prior to land disturbing activities.

Fig 2 (RT): The north sediment basin should have been installed prior to grading the surrounding site. Scott also stated that they were working around the sanitary sewer line, which will need to be rerouted as well.



Fig 3 & 4: Areas of bare soil that are to remain idle for longer than 21 days should be temporarily seeded.

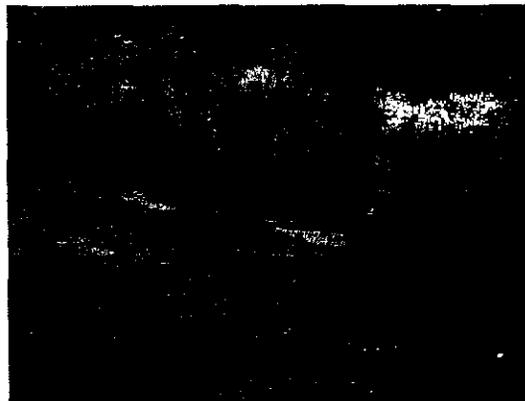


Fig 5 (LT): Bare soil on the outskirts of the silt fence should be stabilized. The silt fence should have been installed prior to grading the land.

Fig 6 (RT): Silt fence adjacent to the stream requires maintenance.



Fig 7: Sediment laden trench water was being pumped into the adjacent stream. Sediment laden water can only be discharged into a water of the state after passing through an appropriate sediment control device.



Fig 8 (LT): If the stockpile is to remain undisturbed for more than 21 days, temporary stabilization is required.

Fig 9 (RT): The rock construction entrance is overwhelmed and should be re-built. More regular street sweeping is also required to ensure there is no tracking of sediment off the construction site.

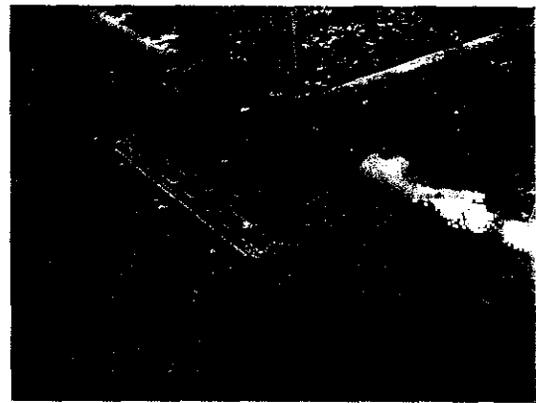


Fig 10 & 11: Inlet protection was not provided to the catch basins on site as per the approved SWP3.

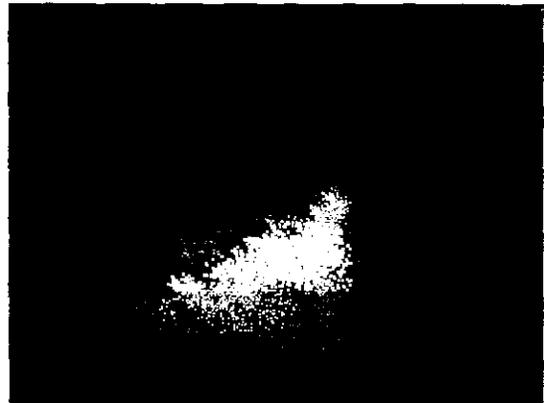


Fig 12 & 13: Sediment was observed discharging downstream from the construction site.

CONSTRUCTION FIELD REVIEW WORKSHEET

Name of MS4: City of Cuyahoga Falls
MS4 Permit No: 3GQ00065*BG

Name of Site: Reconstruction of Chart Road Phase 2	
Location: Chart Road	NPDES Permit #: 3GC05226*AG
Date of Inspection: 8/4/2011	Time of Inspection: 2:45 p.m.
Name of Inspector: Joan Hug-Anderson. SWCD	
Others Present During Inspection	
Lindsie MacPherson, Ohio EPA, NEDO, DSW Bernie Ehlert, Kenmore Construction Jim with the City of Cuyahoga Falls	

1. Did MS4 inspector identify himself to the project superintendent or site foreman and state the purpose of his inspection?

Yes. The inspector identified herself and discussed her purpose on site.

2. Did the MS4 inspector ask if any amendments have been made to the SWP3 since his or her last inspection?

The SWP3 for this project was not approved by the Summit SWCD at the time of the inspection.

3. Did the MS4 inspector review the site inspection reports required of the developer once every 7 days and within 24 hours of a 0.5-inch or greater rainfall?

NO. The inspector does not usually ask, but for this inspection she was told it was appropriate for her to ask to view the inspection reports to ensure they are being conducted. No reports were viewed.

4. Did the inspector reference the approved SWP3 or use it as the basis of his or her inspection?

The SWP3 for this site has not been approved by Summit SWCD, and yet construction started back in May or June without an approved SWP3 or a pre-construction meeting. The inspector was not very familiar with the SWP3 because some time had gone by since she had last reviewed the plans. The inspector was not aware that construction had started on the site until the interview the previous day.

5. Did the inspector follow-up on any compliance issues found during his or her last inspection?

This was the first inspection the inspector conducted for this site, so the main compliance issue discussed was that the SWP3 was not approved and a pre-construction meeting as not held.

6. Compliance issues identified by inspector during this inspection:

The inspector questioned the staging area and noted that the staging and deposition areas should be included in the SWP3, along with the sediment and erosion controls used to control the discharge of runoff from the area.

The inspector noted that there were no perimeter controls around the embankment and topsoil piles in the staging area.

In addition, the inspector noted that the inlet protection along the roadside required maintenance.

Lastly, the inspector took note that the stream passing required erosion controls that were not installed or shown in the SWP3, which was never approved.

7. Deficiencies or NPDES violations not noted by the MS4 inspector during this inspection:

The inspector did a thorough job of inspecting the site for erosion and sediment control compliance issues.

8. Did the MS4 inspector ask the project superintendent or site foreman to accompany him or her on the inspection?

NO. The inspector did not approach the project superintendent until after the site inspection was complete.

9. Did the MS4 inspector recap his findings upon completion of his or her inspection?

Yes. The inspector recapped the compliance issues identified during the inspection with the project superintendent and informed him of the action required.

10. Is the community planning on taking any enforcement actions based on the results of today's inspection? If so, what are those actions? (*NOTE: Ask community to send you a copy of the enforcement action.*) Did the inspector provide a deadline for corrective action? If so, provide details.

The inspector did not discuss the enforcement procedures to follow for this site. The project is a municipal project and should not have commenced without SWP3 approval or a pre-construction meeting. Ohio EPA expects that City to hold itself to the same standards as private development.

**Cuyahoga Falls Inspection Photos
Chart Road Phase 2
Taken by Lindsie MacPherson, 8/4/2011**



Fig 1 (LT): Stockpiles in the staging area were pushed back into the vegetation with no other perimeter controls.

Fig 2 (RT): The tracks leading into the wooded area were followed, but no activity was noted back in the vegetation near the stream.



Fig 3 (LT): Areas to remain idle for longer than 21 days must be temporarily stabilized.

Fig 4 (RT): Another instance where no perimeter controls or erosion controls were provided for the material stockpiles in the staging areas.



Fig 5 (LT): The silt fence that was supplied in the staging area required maintenance.

Fig 6 (RT): The road project has been underway for almost three months without an approved SWP3. Inlet protection and stream passing erosion controls require maintenance.